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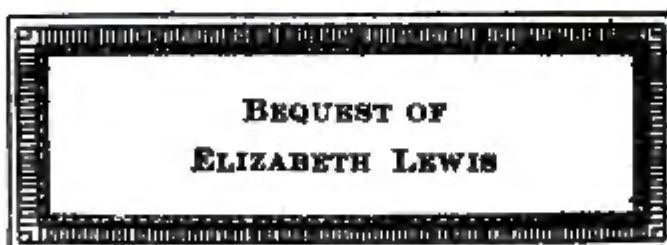
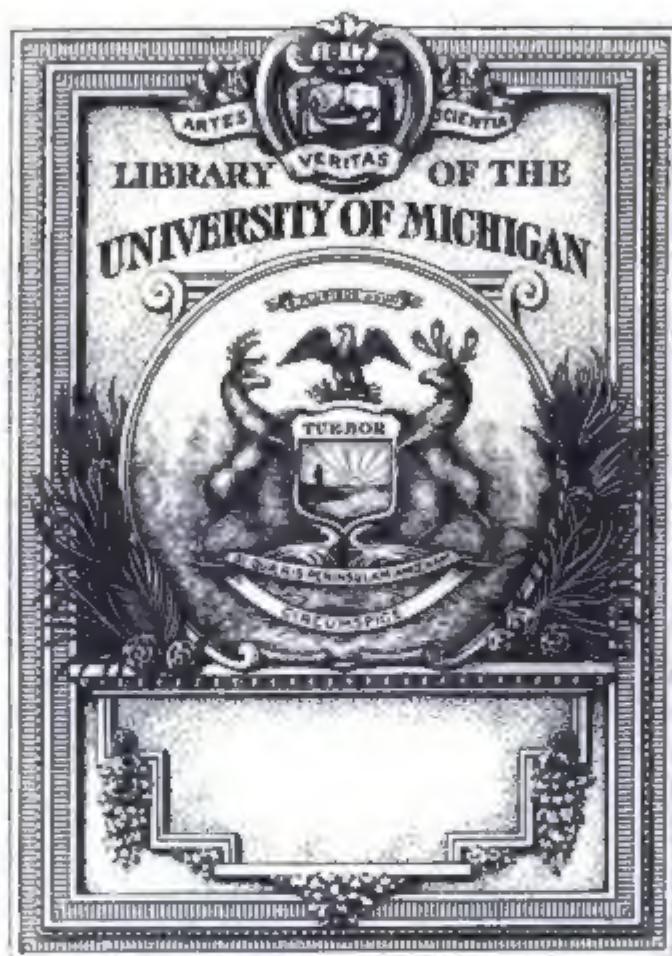
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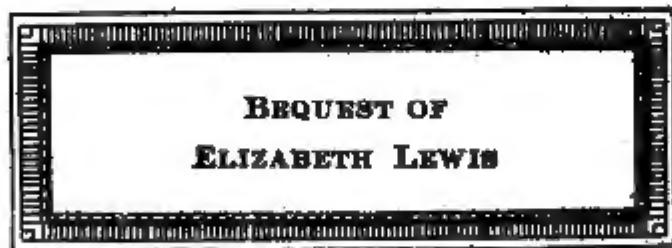
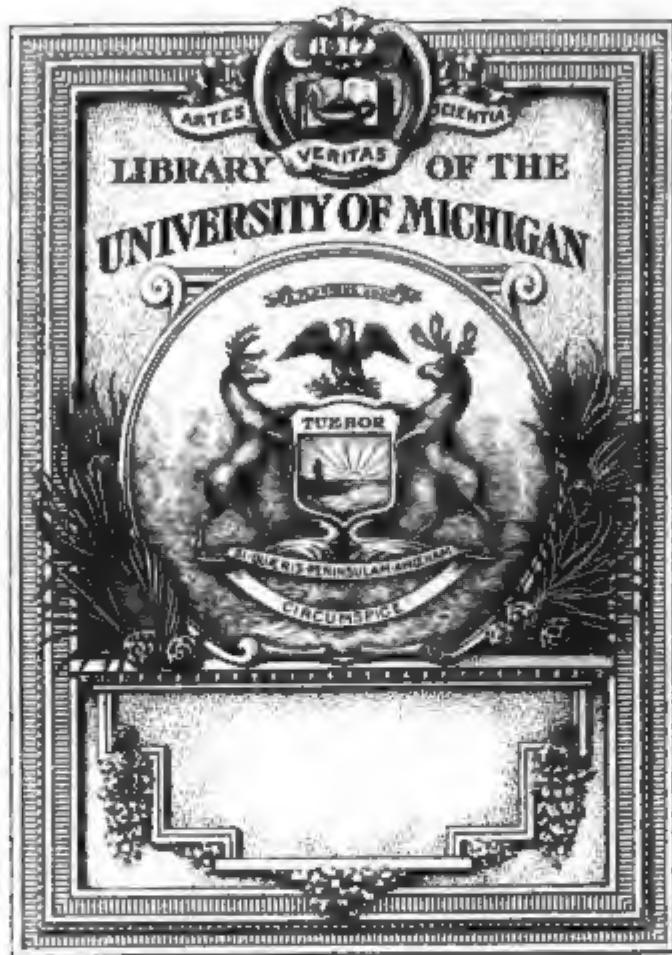
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RECORDS OF THE CAPE COLONY.



Cape of Good Hope

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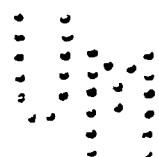
CAPE COLONY

From APRIL 1814 to DECEMBER 1815.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY

GEORGE MCCALL THEAL, D.LIT., LL.D.,
COLONIAL HISTORIOGRAPHER.



VOL X.

PRINTED FOR
THE GOVERNMENT OF THE CAPE COLONY.

1902.

LONDON:

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Edwards
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RECORDS OF THE CAPE COLONY.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE Town, April 15th 1814.

MY LORD,—In some preceding dispatches I have taken the liberty to state to your Lordship that I thought it to be my duty to place in your Lordship's office some remarkable cases that had occurred in the Courts of Law since my arrival here, and to which it may not prove unacceptable to recur, should it be found expedient to revise the laws and judicial proceedings of the Colony or eventually upon a complete cession of the Settlement to introduce British Jurisprudence and Practice.

There has been considerable delay in the translation of such voluminous papers, but as expedition did not seem necessary, and I trust that every alleviating measure has been adopted, as far as practicable, it seemed only required, previously to my departure, to transmit these cases to England, but by no means do I expect or recommend that the general subject should be agitated until the proper period might arrive.

I am, however, most anxious before I submit any communications, that may, even in the most cursory view, tend to impair the full reputation and credit of the Court of Justice at the Cape, to state in the strongest manner I can find terms to express, the high opinion and respect I entertain for the Chief Justice, Mr. Truter, who upon all occasions manifests the most lively zeal for the pure and impartial administration of justice, and who would do honor to the character of an English Judge; but such is the constitution of the Court, where plurality of suffrage decided the question, and where inveterate habits and peculiar local proceedings must have

complete sway, that it is not in the power of any single person, were he even shaken entirely free from the power of custom and education, to secure the free operation of his own understandings and feelings, and always effect that which is immutably right.

I shall therefore now transmit to your Lordship five judicial proceedings of, as I conceive, a peculiar character, accompanied by some papers that may render them more marked and clear.

J. S. Cloete, for the murder of the Hottentot girl Mietje. The perusal of the proceedings will fully prove the atrocity and singular barbarity of the act, as the deceased, when killed, held a child in her arms exposed to the same shot that deprived the mother of her life.

The sentence seems a mockery of justice: "to have a sword brandished over the criminal's head, and to be banished the Colony."

It is very worthy of observation also that an appeal was made even against so extraordinarily lenient a sentence.

I request attention to the declaration I could not withhold making at the time I confirmed the sentence, and had it been in my power to have altered the verdict and awarded death I should have done it.

The petition from the wife of the prisoner will strongly exemplify the state of ignorance and indifference upon the life of a fellow creature, in which the remote parts of this Colony remained.

Jacob van Reenen for the murder of his slave August.

The consideration of this trial will amply, I conceive, manifest the full guilt of the prisoner.

In my opinion, and that of the whole community, a more deliberate cold-blooded scene of persecution and cruelty, even unto death, was never exhibited.

The sentence: three months imprisonment!!!

The haughty and audacious petition from the prisoner, because a member of the most opulent and highest connected family in the Settlement, to the Colonial Government, arraigning the Court of Justice for the severity of such a sentence, adds strongly to the character of this process, which it would be for the interests of the judicial proceedings of this colony to have cast into oblivion.

I have the pleasure to bring to view that the present Chief Justice, Mr. Truter, was not even in the Court when such a sentence was given. It happened at the period of his succession

to the chair, and as he had vigorously prosecuted the criminal in the early stage of the trial, to the severe displeasure and enmity of the powerful family to which he belonged, (as has been since evinced) as Fiscal, it was considered proper and the established course, that he should not preside afterwards as Judge.

Cornelis van Tonderen, for the death of his wife.

In this case the prisoner is found guilty.

And the sentence is the same brandishing of the sword over the criminal's head and banishment from the Colony.

It may faintly be argued that the prisoner did not actually intend to kill his wife, but the act was of the most violent nature, and her death was the consequence. The concealment of her decease and other circumstances (for they had lived upon bad terms) strongly add to the imputed crime, and, in my humble opinion, in every British Court of judicature death would have been awarded, and the mercy of the executive power left alone to operate, if sufficient reason had appeared. In this instance I cannot altogether divest myself of the opinion that the Court was influenced, however unperceived by themselves, by the reluctance to condemn a white person to death.

Wolmarans, a Dutchman, and three slaves, for the murder of a woman keeping a wine house in Cape Town.

There may be a difference of opinion, upon the guilt of Wolmarans and the slave also acquitted, and the sentence of the Court may have been very proper. But the whole case is memorable from the exclusive weight attached to confession in the judicial proceedings of this Colony. Indeed, without confession, I believe, the extremity of the law never takes place. It is very singular, however, and I never could satisfactorily account for it, that confession ninety-nine times out of a hundred is accomplished.

The present case is briefly this:—

Two slaves were taken up under suspicious circumstances upon an occurrence foreign from that in question, and in the course of examination they were asked if they knew anything of the murder lately committed upon the woman who kept the wine house. They said they were concerned with two other persons Wolmarans and the slave acquitted. It proceeded to a trial, and upon their own confession alone they were found guilty, and received sentence of death. The two others denied it, and were acquitted. The accusers, to the hour of their death at the place

of execution, persisted in their original declaration. I had no alternative but to give my fiat for the execution of the confessing men, but I could not divest myself of some reluctance.

There is no circumstance, in my humble apprehension, that requires more consideration than the system of confession as urged in this Colony. It gives rise to strange stories.

Classina, a Bengal woman, claiming her own freedom after a lapse of sixty-five years, and that of her numerous descendants.

The case of this old woman, as will appear by her Memorial annexed to Lord Caledon, a Copy of which she delivered to me, seems to have strongly excited his Lordship's attention, and that of the public.

The Court of Justice appears also to have bestowed upon it great pains and much interest, but still, such is the unfortunate nature of the question, that redress has not followed, and the woman and her offspring remain in a state of slavery.

I am persuaded, and so is the Public, that she is not a slave; but the difficulty lies in the obligation to prove it, impossible in the instance of a woman left here in her passage from India to Europe sixty-five years ago.

If through the force of feeling this woman had been declared free, her progeny, to a great extent indeed, would have participated in her emancipation, and as it must be termed in a country where slavery unhappily subsists "property" to a very considerable extent would in consequence be lost.

I submit this case to your Lordship's view more to introduce the principal subject, that it is the general opinion that there are very many persons in this Colony in a state of slavery, who are not under any just or even legal claims in that unfortunate situation, but the remedy under existing circumstances is almost hopeless.

From the earliest period this Colony has been the resort of strangers of every description from all parts of the world, they have brought with them persons in their service from India, Java, Ceylon, and many other places, upon whose original lot, time and distance, deception and avarice, have thrown impenetrable mystery. Every reasoning and supposition may be in their favor, that they were not slaves, but it seems impossible at this hour to overcome the obstructions even in the course of Justice.

Did I feel myself capable of entering at large upon other parts

of the judicial proceedings in custom in this Colony, I should express that the admission of evidence, and the treatment of witnesses, is very different from the practice in the Courts of Justice in England; and that, whenever any material revision may be determined upon, it will be very necessary to introduce a better regulated system, and especially to uphold the superior value of oral evidence with all its beneficial consequences. The Proclamation I have the honor to enclose will prove how necessary it was to interfere upon this subject.

The opening of the doors of the Court of Justice and the free admission of the public, in which I was so much aided by the Chief Justice, Mr. Truter, and the Secretary to the Court, Mr. Van Blokland, has altered and amended the whole state of judicial proceedings, and given a confidence and satisfaction throughout the community. What it may be necessary yet to do, can only flow from His Majesty's Government, and I cannot but avow I am anxious for the full accomplishment of every amelioration that will benefit so rising and prosperous a Colony. I have &c.

(Signed) J. F. CRADOCK.

In a former dispatch I submitted to your Lordship my intention of appointing Mr. Jennings, His Majesty's Procurator General here, to the first vacancy in the Court of Justice. Mr. Jennings has since accepted of the temporary appointment, at my solicitation, and the selection has given universal satisfaction, fully as much with the Dutch as the English part of the community. It will be much for the interest of this Colony to retain Mr. Jennings in this, and a higher legal situation, as his talents, qualifications, and character have acquired general respect and confidence.

J. F. C.

[Enclosure A in the above.]

The enclosures connected with the first case mentioned fill a volume (No. 43 Cape of Good Hope), as they cover the whole trial. I cannot therefore copy them in full. They show that a woman named Mietje, of the Bushman race, was one of a little band of marauders who lived by stealing sheep and corn, that she was found on his farm by S. J. Cloete when he was out looking for hyenas with a Bastard Hottentot in his company, and that,

though he could have made her a prisoner, he deliberately shot her dead while she held a child in her arms. The following are the two documents specially referred to by Sir John Cradock :—

No. 1.

At a Court of Appeals for Criminal Cases, held on Monday the 5th instant (October 1812), at the Government House Cape Town, His Excellency the Governor was pleased to Affirm the following Sentence of the Worshipful the Court of Justice, pronounced on the 23rd day of July last past.

All the Members present, except P. J. Truter, Esqre., absent by indisposition.

Sentence in a Criminal Case of the Landdrost of Swellendam Petrus Stephanus Buissinne, Prosecutor, against Stephanus Johannes Cloete, Prisoner and Defendant.

"The Court having seen and examined the Papers and Documents exhibited on both sides, and considered every point which deserved attention and could prove the Court, administering Justice in the Name and on the Part of His Britannic Majesty, doth condemn the Prisoner to be brought to the Drosty of Swellendam, to the Place where Criminal Sentences are commonly Executed, and there to kneel down before a heap of Sand, the eyes being blindfolded, the neck naked, and a Sword passed over his head by the Executioner; and further to be for his life time Banished from this Colony and its Dependencies, without his being permitted ever to come again into this Settlement, on penalty of being punished more severely; and to be confined at the Robben Island until an opportunity offers to send him away; and the Court doth reject the further Demand of the R. O. Plaintiff, and condemn the Prisoner in the costs of Suit, at the taxation and moderation of this Court; and the Court doth finally declare, that the Practitioners of the Prisoner have not deserved any Fees in this cause."

"Thus done and decreed in the Court of Justice at the Cape of Good Hope, the 16th of July, 1812, and Sentence promulgated the 23rd following."

"In my presence."

(Signed) "G. BEELAERTS VAN BLOKLAND, Secr."

On this day the 25th of July, 1812, the Advocate J. J. van

den Berg, for the Defendant S. J. Cloete, declared to lodge an Appeal of the above Sentence to the Right Hon. the Court of Appeals for Criminal Cases in this Settlement."

"Quod Attestor."

(Signed) "J. C. FLECK, 2nd Clerk."

A true Extract.

(Signed) G. BEELAERTS VAN BLOKLAND, Sec.

But previous to the affirming of which, His Excellency the Governor was pleased to make the following remarks:

I have not the smallest hesitation in rejecting this Appeal, and confirming the Sentence of the Worshipful Court of Justice.

Had that Court, for whose decisions I entertain the greatest respect, seen, in their wisdom, sufficient grounds to proceed to the utmost extremity of the Law in such cases, and pronounced Death against this Criminal, I should equally have sanctioned their Verdict; or had the Ratione Officii Prosecutor entered an Appeal, and thus brought the whole matter before me, I should undoubtedly have considered it my bounden duty to reverse the present Sentence; for, as far as the evidence before me reaches, I can discover nothing, but the wilful and direct murder of a defenceless wretched Woman, holding an Infant Child in her arms at the moment of her Death, exposed to the same blow that deprived the Mother of her Life.

In the present enlightened period of this Colony, the good disposition of the Inhabitants, and under the well regulated Administration of Justice that prevails, I cannot doubt, but that Crimes of the nature now before me will disappear. Could I entertain the thought, that the feelings of humanity were not active, yet I would expect, that those of reputation and interest will influence, and as much as this community at large abhors the perpetration of such acts, in equal measure will they exert themselves to bring such Offenders to condign punishment, and vindicate the general character.

In Crimes of the magnitude in the case before me, it may seem unnecessary to repeat, that every Civilized and Christian State doth acknowledge, "That the wilful shedding of Human Blood demandeth the atonement of Blood."

There is no Person so bold or impious, as to maintain the denial

of this Divine and Human Law. No Sophistry, no Subterfuge, can avert or extenuate the full force of this all powerful and universal Truth. It proceeds from God and the Scriptures, and let no mortal man presume to weaken or oppose it. In the Eye of the Creator, all Mankind are viewed alike, and it is but the proud, conceited Creature (who at the Day of Judgement will find his bitter Error) that pretends to make distinction.

I know that the Court of Justice, and the Chief Magistrates of the respective Districts will cordially support the utmost exertions of Government; and I speak in the Name of the Sovereign of this Country, that it is His Royal Command, that impartial Justice, without difference or exception, should be dispensed to all classes of his Subjects.

The Law is the same to all, the rich or poor Man, the powerful or defenceless, the Master or the Slave, the European, Colonist, or Hottentot, are all alike within its protection or punishment, and it never for a moment will be in contemplation, what is the rank or situation of the Offender.

Without these Foundations of Justice, laid in Nature, as well as Human Wisdom and Policy, this Colony cannot succeed; and with them, it bids fair, under Divine Favor, to arrive at the utmost degree of prosperity and happiness.

(Signed) THOS. ROWLES, Secr.

No. 2.

*To His Excellency LIEUT. GENERAL SIR JOHN FRANCIS CRADOCK,
Governor and Commander in Chief, &c, &c, &c.*

The Memorial of Anna Catharina Bester, wife of the Prisoner Stephanus Johannes Cloete,

Humbly Sheweth

That your Memorialist's husband has been condemned by the Worshipful the Court of Justice to suffer such punishment as expressed in their Sentence promulgated on the 3rd of September last.

That your Memorialist cannot but acknowledge that her said Husband deserved the said punishment according to the Laws of God, of Nature, and of mankind. But that there are circumstances unknown to your Excellency and which, how impossible it may



appear, must make an impression on the mind of your Memorialist and her Husband, and on the minds of his fellow Inhabitants of the interior part of this Settlement, as if the said punishment is too severe, or that he is illtreated instead of punished, namely that several manslaughters if not murders of Hottentots and Slaves have been committed in the said interior part of this Settlement, which have either been moderately, or not at all punished, and if at all prosecuted then so slowly, that at the time of the punishment there was scarcely a recollection of the Crime having been committed.

Your Memorialist shall not venture to intrude too indiscreetly on your Excellency's precious time, in citing a number of instances, and she humbly prays your Excellency may be graciously pleased to allow her to mention only the case of the Landdrost of Swellendam versus Gideon Joubert, Jan Daniel Kriel, and the widow Jacobus François Joubert, which persons suspecting that a Hottentot by the name of Frederik Meme, and a Slave Woman called Lea, had poisoned the said Jacobus François Joubert, tortured them, or caused them to be tortured, and compelled to confession and repeated the torture some days, and until both of them died, in which case the Landdrost aforesaid on the 8th of July 1802 exhibited an Indictment in the Hon'ble Court of Justice, demanding no severer punishment but that the said Criminals Joubert and Kriel shall be banished from this Settlement for an unlimited time, and that the said Widow Joubert shall be condemned to pay a fine, which cause yet has never been decided; from which it results that even the Magistrate of Swellendam did not consider the Crime in question in the view they ought to be considered by the Laws aforesaid, and that her Husband's misfortune may be attributed to an improper administration of Justice.

Your Memorialist therefore humbly begs leave to solicit your Excellency may be graciously pleased to condescend hearing her prayer, that your Excellency taking the circumstances into consideration, may be graciously pleased to do what otherwise your Excellency should not do, or to pardon her Husband or to mitigate the Sentence in question.

And as in duty bound your Memorialist shall ever pray &c.

(Signed) ANNA CATHARINA CLOETE.

[Enclosure B in the above.]

The whole proceedings of the trial fill a large volume (No. 44 Cape of Good Hope), except a few pages. As they can be seen both in London and Capetown, I think it will be sufficient to give here the closing addresses of the advocates on both sides and the sentence of the court of justice.—G. M. T.

Friday the 11th September 1812.

D. Denyssen, Esquire, His Majesty's Fiscal, R. O. Summoner, contra Jacobus van Reenen, Frederik's son, summoned in order, agreeably to the Court's resolution of the 7th September last, to hear verbal reply made, and to terminate.

After that the Depositions annexed to the Prisoner's answer were revised and sworn to, in pleno judicio, with exception however of the Depositions of Jacobus van Niekerk, Martha of the Cape, and the Bastard Hottentot Abraham, they not being present, and the claim and conclusion of the R. O. Prosecutor, with the answer and contra conclusion of the Attorney Ruysch read in Court, the R. O. Prosecutor verbally replied as follows :

Worshipful Sir and Gentlemen!—We are but too well aware that all our good or bad actions generally fall upon those with whom we are closely allied, although they have in no wise contributed thereto, to dispute to the Advocate for the prisoner the justness of the remarks contained in his answer, namely that the relations of the prisoner, how innocent soever they may be, must necessarily share in the lot which he has prepared for himself. We feel that the consequences of his conduct cannot be otherwise than extremely distressing for his innocent family, who probably thereby may see themselves deprived of their present means of subsistence and exposed to the most precarious uncertainty ; but at the same time we can by no means allow that the moral imputation of a crime committed by the one can be attached to others, however close the bands of friendship, of blood, or other relationship may be tied. We live not longer in the dark ages of the world, when the scandal of a crime committed by a single person was accustomed to be attached to his family and relations, and we may therefore with confidence suppose that however deeply affected the family of the prisoner may be, no person will attribute his crime to them ; neither can we suppose it to be the wish of

the advocate for the prisoner that the crime which he had actually committed should be lessened, or the punishment mitigated on their account.

The punishment claimed on our side as an example for others, for the prevention of similar misfortunes, even in the prisoner himself, and for the satisfaction of the laws, has a tendency, we acknowledge, to precipitate his family in a share of the consequences, but this tendency was unavoidable to answer the intention of the punishment itself. The prisoner by a repetition of such cruelty as he has now unfortunately been guilty of, can again expose himself to a danger from which he cannot be retrieved, in case he is not at once entirely deprived of possessing slaves in property. But is it not the same with his family, as with the many who feel the blows inflicted on others? How numerous are not the punishments which are necessarily accompanied with the loss of income and subsistence, such examples are even to be found in the cases quoted by the advocate for the prisoner himself; the cases of Apothecary Smidt's wife and of the wife of one Mosterd, who are prohibited during their lifetime to possess slaves, tend as a proof of the justness of this position under the circumstances of the prosecution; and therefore we shall not say anything further on this subject, but confine ourselves to the support of the claim.

1st. In the first place we shall pause a little on the nature of the proofs brought forward for the maintenance of the charge.

2nd. On the proofs themselves.

3rd. And finally, on the punishment claimed.

We shall at the same time in treating on this threefold subject find sufficient opportunity of briefly refuting the arguments alleged in the answer.

1st. The proofs upon which this charge is founded are in the first place the judicial inquest taken on the body of the deceased slave August, and the result of the examination on the slave Adam at present in custody, from the impartial judgement of Doctor Liesching. The examination of the slaves and of the overseer, who were present during the short time that the deceased slave August was at the place of the prisoner, and finally the confession of the prisoner himself. Those four sorts of proof connected together entirely form the grounds of our charge.

Of those however the evidence of the slaves and of the overseer

at the place are objected to by the prisoner, whose advocate maintains that slaves cannot be heard for or against their masters, and also that the evidence of the overseer of the place is likewise not admissible because that he was in the service of the prisoner.

We are willing to acknowledge that the evidence of slaves against their masters is objectionable; we ourselves have more than once objected to such evidence, and we agree with the advocate for the prisoner that the Roman law, to which we are referred by the statute laws for India, even forbids the hearing of slaves for or against their masters, but the advocate for the prisoner must in his turn acknowledge that the examination of slaves in cases respecting their masters, of which they have been eye witnesses, has always been a customary means here to discover the truth. We are far from allowing to their relations or statements the force of irreproachable evidence, but the answers given separately by more than one slave, compared together, and with the known and proved circumstances of a case, can tend to elucidate the obscurity in which it may be involved, and without possessing in itself the force of credible evidence, yield proofs of the truth which cannot be weakened by any means of reproach, still less entirely rejected; for what can be stronger than when different persons, appearing unprepared before a court, and not knowing what may be asked them, answer the proposed questions in such manner that from the answers given by each of them separately, a well connected *whole* can be formed, not liable to contradiction. Such is the case with the answered interrogatories of the slaves in the service of the prisoner, some of whom, it is true, evinced a degree of partiality against their master, but which however could not prevent that the answers given by them, on being brought into connection with those of the others, place the truth in the clearest point of view. The force of the evidence of slaves is contained in their artless and unpremeditated concurrence, which ever takes away the probability of deception or bad faith, and therefore it is wise that the law has prescribed that a judge should decide according to his conscience over the nature and credibility of the proofs and witnesses which are produced in each case, without being tied down to any fixed rules, Lex 3, § 2D, de testibus. The generality of this law must make us suppose that the custom adopted here of examining slaves on accusations brought in against their masters is by no means forbidden by the Roman

law, and especially in those cases in which it is not possible to derive proofs elsewhere; among which sort are in general to be considered accusations of crimes committed by inhabitants of this Colony at their places, where they are not surrounded by any other persons than their slaves. To such accusations one must unavoidably apply that rule of daily practice which says that in cases where time or place will not allow of the crime being proved by irreproachable evidence, recourse must be had to evidence which otherwise would be objectionable, as we find more amply laid down in Carps. Pract. rev. Crim. Part 3, Quaest. 114, § 37 ebique Boehmer in observ. 4. The evidence of the slaves of the prisoner is for the most part confirmed by the additional evidence of Wotki, overseer of the place, and by the confession of the prisoner himself. In vain has the advocate for the prisoner appealed to their palpable partiality, to their desire to be released from the service of the prisoner, to the bad disposition of slaves in general, and to the private evidence which they gave while they were in their master's power. All those reasons do not any wise militate against the weight of the concurrence in their answers given, on such points as they may be found to agree on by the Worshipful Court; no previous agreement of those slaves, even if such was supposed, could have been able to have made their statements of the circumstances agree together, when they could not know beforehand what might be asked of them. It is plainly to be perceived where their evidence tottered, and where they adhered to the truth, and only this latter part of their evidence has been adopted by us in support of the charge.

We have never appealed to the evidence of a single person, but always to the concurring testimony of many, and especially when we saw the same confirmed by the evidence of the overseer Wotki, and by the confessions of the prisoner himself. How can the advocate for the prisoner speak of the self interest of the slaves to be released from the service of their master, when he himself maintains that they were well treated; this self interest could not have been anything else than the consequence of ill usage.

Not only the evidence of the slaves, but also that of the overseer of the place, is objected to; this witness however could not have the smallest reason to give evidence against the prisoner. One justly objects to the testimony of a servant on behalf of his master, as we find taught by *Merula Lib. 4, T. 78, Cap. 4, § 30*, and others,

because he is dependent on his master, and, as one says, eats his bread ; but not against his master, because he is forced to give evidence by the judicial power. What then can make his testimony objectionable, certainly not the circumstance mentioned in the answer, because that he deposed a thing which tended to criminate himself, namely the hoisting up of the slave August in the irons in which he was made fast with both his hands to one of his legs, because just the bad consequences which this cruel act could occasion to him tend as a security for his having spoken the truth. We must avail ourselves of this opportunity to declare to your Worship that it is by no means our intention to desist from such criminal prosecution against the overseer Wotki, as his conduct has invited, but his acknowledgment as it operates against himself is therefore the more credible against the prisoner.

Such is the case with the proofs brought forward by us in support of the charge ; they should all be considered in one connection, in order to be enabled to form a true judgment of the case : the act of inquest on the body of the slave August especially should not be taken in itself, but as connected with all the circumstances which appear from the depositions and the examination of the prisoner himself, and then we shall soon be enabled properly to fill up the vacancies which are met with in the *Judicium Medicum*, and, as we respectfully trust, no grounds of doubt will be left in the breast of the Court of the truth of the charges, which we now in the second place shall proceed to detail.

2nd. Among those charges we are first to consider that the prisoner thought proper, after that his slave August came home from running away on the 22nd July last, to put two iron rings on one of his legs, and from that time to lock him up every night in the kitchen with both his hands made fast in irons to one leg, while he made him work by day, and all that without either having requested or obtained permission from any competent authority for such act of violence, which permission, in case he had requested it, there is not the smallest doubt but he would have been refused. Those facts are acknowledged by the prisoner, and therefore need no demonstration ; but he endeavours to excuse himself for not having obtained permission for the committing of such act, by producing a certificate dated the 16th of December 1811 allowing him to put rings on the slave August, but those rings had been taken off before he ran away the last time, as will appear by the

deposition of Jacobus van Niekerk annexed to the answer sub No. 6. This permission was therefore expired and ended of itself six months after the same was granted, and as the prisoner on the 16th of December 1811 requested such permission, he thereby gave a proof that he was not ignorant of the order to apply to the magistrate of his district towards obtaining the same, otherwise he would not in the year 1811 have applied for such for the said slave August and for the slave Adam.

But this is only a small part of his arbitrary conduct in the transgressions of the laws. The locking up of the slave August every night with both his hands made fast to one of his legs, for which he had never requested any permission, because he well knew no such would ever be granted him, tends as an unfortunate proof of the natural inclination of the prisoner to cruelty and ill usage. The slave August on the day of his return home after he had run away, had already received his punishment; this has been proved in the claim and is acknowledged by the prisoner, the prisoner therefore had nothing more to do than to take care that the slave August did not again run away; this he did by day by putting him under the charge of the overseer; he could have done the same by night by placing him in some secure apartment under the care of some trusty people, for what was the invented torture of locking him up crooked in irons, which could not fail to deprive the unfortunate slave August of his nightly rest, and as he also had a body organized like that of other people, expose him to the natural consequences of such treatment, by which the circulation of the blood was impeded and therefore the physical state of the whole system naturally weakened.

Notwithstanding that the prisoner in this manner destroyed the health of his slave August, still however he was obliged to work by day, not in the stable, not a place where there was little to do, but at the corn land with the other people; what can be alleged by the prisoner in excuse for this cruel treatment? The obstinacy of the slave August. But has not the prisoner himself acknowledged that this slave did his work at least as good as his daily declining health would allow; it does not appear that the slave August, notwithstanding the hard lot he had to undergo during the six or seven days which he passed in this manner, a single time provoked his master to committing of new violence, and we shall presently see how easy it was to provoke him thereto. It is of little

avail to the prisoner that he says it was his intention to have sold this slave August; that intention does not authorize ill usage, and if he was afraid that he would again run away, he could, the same as other masters who have an aversion to ill-treatment, in the meantime have put his slave into prison, with permission of the landdrost.

In vain does the advocate for the prisoner allege the distance of his place from Stellenbosch. This place is situated at the Paarde Berg. In vain does he refer to the custom of the country people having irons in their possession, which are not made use of excepting in the greatest necessity, and even if August had a sheep skin to lie on in the kitchen, he was nevertheless exposed to the consequences of being locked up crooked.

We have said we should presently have an opportunity of seeing how easily the prisoner could be provoked to cruelty; the ill usage committed on the slave August six or seven days before his death. How much it is to be wished for that one could accept the whole story of the ill-treatment so as it is cloaked up in the memorial of answer, but justice demands that we should exhibit the truth naked, and in its natural form, to this Worshipful Court.

The slave August was in the above-mentioned manner tortured five, six, or seven days long, the exact day cannot be well ascertained, when he in the evening after his work was finished, about which no complaint had been made to his master, having gone to a wrong place to look for the clothes which he had pulled off, first tottered, and then fell down, and notwithstanding the overseer gave him two strokes with the switch, he remained lying on the ground.

We leave it to Your Worships to judge whether this was from weakness or obstinacy; but the proofs exhibited in the prosecution convince us to a certainty that no other provocation had been given on the part of the slave August, who (a thing which particularly deserves the attention of the Court) had performed his day's work, and therefore did not evince any obstinacy by refusing so to do.

The overseer not knowing what to do with the slave, sent to inform his master the prisoner; but he, agreeably to his own story, seeing from far what was going forward, went to meet the slave who was bringing the message, having a sambok in his hand. The slave August seeing his master coming, got up from the ground,

and therefore was in no wise obstinate; but all this was of no avail, he was laid down and beaten by his master on the bare back or buttocks, for he had not as yet put on his clothes, who, while he was flogging him, gave orders to fetch the horse string, continuing to beat him till that it was brought, when he began to flog August with that instrument.

All this, which must have taken place in a rage, was scarcely finished before that August was ordered to go home, and without any new provocation having been given, the prisoner even went so far as to have him again laid down on the way home, and to beat him on the naked back and buttocks with the horse string; this, agreeably to the prisoner's own confession 1st examination, Art. 13, took place near a piece of land where peas were sown; and although the prisoner's advocate has endeavoured in his answer to bring something forward in his defence for this fresh ill treatment, still however nothing appears from any of the reasons he has alleged in his excuse. The overseer of the place deposed that after the first beating of the slave August, he went tottering towards the house; this is also deposed by the majority of the slaves who were separately examined. This slave, who after the first punishment was already become an object of the greatest pity to every feeling man, was not able, in case his master possessed any feeling in those unfortunate moments, to provoke him anew, and notwithstanding he was again laid down near the peas land and beaten a second time on the bare body with the horse string.

Still was the rage of the prisoner not cooled; coming home he caused the slave Adam, whom he also without permission had for some time locked up in irons at night with both hands and feet, and who had declared that he would rather die than lead such a life, to be laid down before the house and beat him in such manner that on the 7th of August, when Dr. Liesching examined him, the marks of violence were still plainly visible.

During this punishment of the slave Adam, the reason of which by no means appears, the slave August may have had time to take a little breath, but now it became his turn again. This unfortunate slave was again laid down for the third time, in the kitchen, and as appears from the 1st examination of the prisoner, Art. 16, compared with the answers to the interrogatories of the Hottentot Anthony, punished afresh by his master the prisoner, and by said Anthony both with a horse string on his bare

back and buttocks, and in such a manner that, agreeably to the evidence of some of the slaves who were present at this last punishment, they were obliged to turn away their heads so as not to be sprinkled with the blood. Really, Worshipful Gentlemen, all that the advocate for the prisoner has alleged in his answer, in excuse of this three times repeated ill treatment in one evening, is in vain ; how willing should we not otherwise be to accept it in favour of the prisoner.

We do not want the prisoner's confession here, for in an ordinary process justice is not done thereon ; but the consonant evidence of everyone who has been heard on this act, corroborated by the confession of the prisoner himself, and by the state in which the corpse of the slave August was found, places the matter beyond all doubt. On inspecting of the body, it was found that from the first joint of the neck over both the shoulders to the loins, the skin was off, as well as from the buttocks, and which, agreeably to the confession of the prisoner himself to the Commission and Dr. Liesching, was occasioned by flogging which had been inflicted on those parts of the deceased slave ; thus runs the Visum Repertum itself. The skin being in this manner beaten from the body with a horse string, the consequence could not otherwise be than that the flesh attached thereto must have been also struck off, and the blood of the wounds so spattered about by the blows that the bystanders were obliged to turn aside their heads so as not to be sprinkled with it. This is no extravagant evidence of the slaves, it is no malice, but it is the natural and unavoidable consequence of that which has been acknowledged and proved. It cannot therefore here avail the prisoner that he alone acknowledges that the *skin* but not the *flesh* was beaten off from his body ; and that the slaves did not produce a single spot of blood on their clothes is natural ; they were not examined for that purpose, and most probably their clothes had been washed in the mean time.

But let us proceed further, for we have not yet got to the end of the cruelties committed by the prisoner.

Hitherto was the slave August only locked up in irons crooked with both hands and one leg, and at night laid in the kitchen ; but after the last mentioned punishment, the prisoner thought proper to have this slave brought to the meat room or pantry, where he placed him ironed as usual, making the leather thong which was tied to the cross iron not only fast to the beam, but he

also fastened the same thong to that side of his body which was ironed, and hoisted him up about a foot from the ground, in which deplorable condition he locked the slave August up, who it seems then had no sheep skin under him. This hoisting up of the tortured body of August is not acknowledged by the prisoner, but nevertheless it has been fully proved by the claim. The overseer Wotki has stated that the prisoner made use of the Hottentot Anthony for that purpose, the same thing is affirmed by Anthony himself in his answer to the Interrogatories, to whom the objection against the evidence of slaves certainly cannot be applied.

The same is also confirmed by the slave Kleine Present, who was present, and who on that occasion was obliged to lift up the body with the slave Prendito. Vide the examination of Prendito; and finally the remainder deposed the same from hearsay, such as the slave Mesentie and others; see further the second examination of the prisoner Arts. 20 and 26. There the slave August remained to the night, when his master, probably fearful of the consequences, again placed him in the kitchen ironed as before, but not hoisted up.

Jeannet declares that she knows nothing of his being locked up in the pantry; but it was then too late. From that time the wearied with torture slave August refused all sustenance; from that time all his daily occupations ceased, and from that time he appears to have been gradually expiring.

What the reason was that prisoner did not send for a doctor or surgeon we will not guess; it is enough that he remained in irons in the kitchen till the last evening of his life, with exception of the times when his wounds were washed and cleansed, and of the night the evening of which he was made loose and brought to the slave house, where he breathed his last.

We shall, leaving the means of defence alleged in the answer, only further remark that the slave August the last night of his life did not sleep, but groaned most piteously, as is declared by his fellow slaves, and that the prisoner who had so long persisted in locking up that slave crooked in irons, would not the evening before his death have loosened the string with which he was made fast, and have caused him to be brought to the slave house, if he had not perceived that his death was approaching; five or six days after the last punishment, the slave died in the night between the 1st and 2nd of August, and what is very remarkable, the

prisoner had him buried without informing the field cornet thereof.

It is true that in the afternoon of the 2nd August last W. A. van Schoor, who in the absence of the field cornet is accustomed to act for him, casually came to the place of the prisoner, but so far from his having taken any inquest, or inspected the body, or of having been sent for expressly for that purpose, he declared in Court that the prisoner had endeavoured to conceal the blows which he had given that slave, saying *the flogging which he received at Stellenbosch is not yet quite cured.* It was not till the Wednesday after the slave was buried that the prisoner sent for the field cornet, because he had perceived the day before that two of his slaves had absented themselves to complain ; but he remarked to the prisoner that he should have given the information before.

From all that has been above said we conceive we must deduce that the death of the slave August cannot be attributed to anything else than to the consequences of ill usage inflicted on him, and the continual sufferings to which he was exposed. We cannot, nor may not, admit what has been alleged in the answer in defence of the prisoner : that the slave August had starved himself from obstinacy.

We readily believe that during the last days of his life he did not take any food, and that there were some who attributed it to obstinacy ; but he who is acquainted with the story of his continual suffering will not hesitate a moment to ascribe it to despair and a want of appetite, two very natural consequences of the ill usage inflicted on that slave, and being continually confined in irons in a crooked posture. It is true Dr. Leisching says in his Visum repertum, that the wounds occasioned by the irons and by the blows were not sufficient in themselves to cause the death of the slave, but that professional gentleman could only form a half judgment, as he knew nothing but what he perceived on inspecting the body.

The refusal of the slave August to take any sustenance, if such contributed to his death, is to be ascribed to nothing else than to the consequences of his ill usage, and as it is even acknowledged in the answer, that the prisoner after the last chastisement knew of this refusal, it was his duty to prevent the consequences which might ensue ; a slave on whom he had committed so much violence, he could also have forced to take some broth or other spoon meat.

No other person than the prisoner brought the slave August to that miserable state that he lost his appetite; if therefore he wished that the consequences should not fall on his head, he should have taken the necessary measures to have caused him to receive some nourishment, not by torturing and beating him, but by mild and not less secure means, which every master of a family is acquainted with. It does not appear that the slave August refused victuals previous to his last punishment; it could therefore only have been a few days before his death that he became so weakened and debilitated from want of nourishment that he could not longer bear the burthen of his miserable life; but with all this, as the slave August lived to the last moment under the care of the prisoner, everything is for account of the prisoner, who was the cause, by his ill usage, of all that happened to him.

The name of obstinacy which the prisoner and some of the witnesses have applied to the refusal of the slave August to take food, might perhaps be applied thereto in case he had not been ill used, and then first by night, and afterwards by day and night, ironed and exposed to the most dreadful state. Let everyone who possesses a human heart ask himself if he would not be dispirited and despair, when he had met with all this misery without the prospect of a better lot.

To say something of the heart purse having grown to the heart itself, Dr. Leisching only touches on this indirectly, and Your Worships will perceive from the attest of Dr. Biccard thereto annexed, that that could not have been by any means the cause of the death of the slave August, as being a complaint natural to many who are notwithstanding in health and do their work the same as the slave August, who most probably had this complaint a great part of his life.

We do not say, Worshipful Gentlemen, that the prisoner was actuated by a premeditated will to put an end to the life of the slave August; but he did not scruple wilfully to expose him to the consequences which his excessive ill treatment would most probably be attended with. If the prisoner had wilfully and premeditatedly deprived his slave of his life, then he could not escape the punishment which the laws prescribe for wilful murder; for then the great distinction between the master and the slave ceases; both are human beings and the law of nature is written in the heart for the one as well as for the other; whatever may have

been the state or situation of the murdered, the murderer cannot escape the ordinary punishment of the laws; this the law expressly teaches us, and although the ordinary punishment for free persons and for slaves may not be the same, still, however, that for wilful murder must be much more severe than what we have claimed. The Mosaic Law, to which the advocate of the prisoner appeals, makes no distinction in this respect between free persons and slaves; but says he who sheddeth the blood of another, so surely shall his blood be shed also. This law was sacred among the Romans, and was observed by them in more than one instance; their ancient cruelty respecting slaves, the arbitrary right which they formerly possessed over life and death, they learned to ameliorate from the Mosaic Law; and they finally enacted that wilful murder should with them, the same as by the laws of Moses, be punished with death; but such premeditated murder we conceive has not in this instance had place; but in our opinion alone the intention to ill treat the slave August in such manner that death might be the consequence, as was actually the case.

It is not said that the prisoner could not have been foolish enough to have even indirectly wished the death of his slave, or that the great interest which a master must in the present dear jimes place in the preservation of his slave, must have withholden him therefrom, for where proved facts speak, there is no room for arguments founded on probability or improbability. And would the prisoner, who in his behaviour had given so many proofs of the extravagance of his rage, have just in this case consulted his own interest. How frequently is not self interest sacrificed to the passions, besides what the field cornet M. van Niekerk had declared is remarkable, namely that Africa before he went to complain, had said: Now my master thinks to be quiet because August is dead, but I shall take his part. This expression implies an important reason why the prisoner might have wished for the death of that slave, namely, by his eternal silence to be liberated from the fear of his accusations.

3rd. Having thus far treated on the nature of the crime with which the prisoner is charged by us, we shall now confine ourselves to the punishment claimed.

As necessary as it is to protect masters against the insolence of their slaves, so necessary is it also to protect slaves, in the state of servitude and dependence in which they live, from violence and

wantonness. The obligation to guard against the latter is the greater in proportion as they can the lesser protect themselves. The Statute Laws of India have especially enforced this obligation, and it is upon the grounds of the particular analogy which the accusation brought in against the prisoner bears to what is enacted in the statutes for India, under Tit. Slaves, Art. 14, that we conceived ourselves obliged to conclude that the prisoner should suffer the punishment claimed on our side. This Article makes mention of beating to death or otherwise killing of slaves, and enacts that the master shall be punished corporally or otherwise for the same, according to the circumstances of the case. It speaks for itself that wilful and premeditated murder cannot here be meant; for this crime is considered by all laws, as well divine as human, as the most base and wicked crime which can possibly be committed, and therefore could not be punished by a trivial corporal or discretionary punishment, as we have already said and briefly demonstrated. The law therefore here speaks of punishments for excesses which are attended with the death of the slave. This also appears from the relation which the fourteen Articles quoted bears to the preceding one, and it is evident from the conjunction *but* with which Art. 14 commences; the 13th Art. speaks of domestic punishments of slaves, which proceed to ill usage, but the 14th of those which are attended with death; to this latter class belongs the correction which the prisoner caused to be inflicted on his slave August, and when it is taken into consideration that the said slave August being punished immediately after he ran away, does not appear to have provoked his master anew, but on the contrary, notwithstanding his irons and his half festered fingers, laboured daily at the land, and even at the difficult work of clearing away the bushes, then is the atrocity of the repeated ill usage, in consequence of which the death of the slave followed, the more aggravated for the prisoner. We therefore conceived that we should conclude for a public, although not painful punishment for the prisoner, in order as an example to deter others from exposing themselves to the consequences of similar ill usage. We also deemed it necessary that all opportunity should be cut off from the prisoner of being again guilty of the like excesses, and we were the more induced to conclude to that effect, in consequence of his cruel treatment and ironing of the slave Adam, who is still alive, as well as of the general evidence of his slaves that altho' he

provides them properly with clothes, victuals, and drink, he, however, is very severe in his punishments.

The examples of sentences pronounced in cases referred to by the advocate for the prisoner can by no means operate in his defence, because the most trifling circumstance alters the nature of a case, and we should be previously acquainted intimately with every suit in which sentence was pronounced, before that we could judge of the justice of the sentence.

Neither can the necessity of discipline among the slaves at a country place situated beyond the reach of courts and magistrates excuse the prisoner, for his excessive ill usage was not discipline, and his place being situated at the Paarde Berg, he was not prevented of having recourse to the magistrate of his district.

If however there may exist any grounds for mitigation of the punishment, we shall then, contenting ourselves with having done our duty in the prosecution of the crime, see with true satisfaction the shock with which the prisoner and all those who innocently share therein are threatened, averted; but not having as yet discovered in the answer any founded reasons for mitigation of the punishment, we are obliged to persist in our criminal claim and conclusion for reply.

No. 2.

Advocate G. Buyskes thereupon advanced for rejoinder:—

WORSHIPFUL GENTLEMEN! Being at present called upon, agreeably to the Court's favourable resolution, further to defend the prisoner, or rather further to support the defence which we have already made, I shall take the liberty to make two general remarks, which in all cases, but especially in the present one, deserve the attention of the Court.

The *first* is this, that in the judging of crimes, the will should be especially considered, and not the result, in the punishment, Vide Moorman in his Treatise on Crimes, Chap. 1, No. 9, and the authorities quoted thereby.

The second is that one should never lose sight of the local and other circumstances under which the accused party laboured at the time of committing the crime laid to his charge.

And when in judging of the crime alleged against the defendant, both the one and other are kept in view, we dare flatter ourselves that on a superficial consideration of the charge, we shall be con-

vinced of the prisoner's innocence ; and it was those considerations, Gentlemen, which encouraged me on entering upon the prisoner's defence to examine the charges and touch them on the proofs exhibited.

Although we flatter ourselves to be able to prove the prisoner's innocence of ill-treating his slaves, still, however, our duty requires that we should do so with all possible good faith and prudence, in order to avoid even the appearance as if we did not acquiesce in the humane intentions of our Government to assuage, as much as possible, the lot of our unfortunate fellow-creatures in slavery, and consequently to despise those who could be capable of treating them otherwise than we should wish to be treated, were we in their unfortunate situation ; besides here is also to be taken into consideration nothing less than the honor of a whole family, a family among whom we know many respectable and useful members of society ; here also is to be considered the honor and burgherly subsistence of a household, in which there are beings who at all events are innocent.

This, Worshipful Gentlemen, I hope will excuse me, should I possibly encroach too much on your attention.

But to the point. The prisoner is accused of ill-treating two of his slaves named August and Adam, which former, as it is said, not improbably died in consequence of that ill-usage ; and it is on this account that the prisoner, taken from the bosom of his family and from the circle of his occupation, is now in close confinement.

To prove this we find exhibited with the claim

1st. A Visum Repertum and a Judicium Medicum founded thereon.

2nd. Some depositions of the overseer in the service of the prisoner and of some of his slaves, and

3rd. The examinations of the prisoner. In the answer we in the first place endeavoured briefly to show

What the rights of a master are over his slaves.

Secondly. What took place between the prisoner as master and his slaves August and Adam, taken from the answers to the interrogatories administered to him before Commissioners of the Court ; and thirdly we took the liberty to examine the different points of accusation, and touch them on the proofs exhibited, which points we have brought under ten different heads.

1st. That the prisoner by having three times punished his

slaves in one day, had exceeded his right to inflict domestic correction.

2nd. That he had transgressed the law, by putting iron rings on the slaves August and Adam, without the consent of the magistrate.

3rd. That he took the liberty of putting his slaves August and Adam in irons without obtaining permission thereto.

4th. That he had the cruelty of hoisting up the slave August when he was in irons, so that only his head and a part of his body could reach the ground.

5th. That even this part lay on the bare ground.

6th. That he, the slave August, notwithstanding this cruel treatment was obliged to work.

7th. That he therefore lay helpless and comfortless, till the evening of his death.

8th. That to this treatment his consequent death is, if not wholly, at least partly to be attributed.

9th. That the prisoner had caused his deceased slave to be buried without the previous knowledge of the field cornet, and finally

10th. That the prisoner had endeavoured to induce his slaves to bear false witness.

On which occasion, we conceive to have demonstrated that no regard should be paid to the evidence of the slaves and of the overseer Wotki (Salva Reverentia) for so far as that evidence is not corroborated by the prisoner's own confession or other attendant circumstances,

While we finally, in *the fourth place*, examined in how far the claim of punishment on the accusation itself could be applied, for as far as the same might be found to be proved.

From which defence we conceive that we may, and can, deduce this well grounded consequence

1st. That the prisoner ab initio acted *in re licita*.

2nd. That he was provoked to the repeated chastisement of his slaves August and Adam by their own continual obstinate and bad conduct.

3rd. That not only it is not proved that the slave August died in consequence of that chastisement, but even the contrary, and that the correction which he received can by no means be stamped with the name of ill treatment; and finally

4th. That supposing, although it is not the case, excess had been

committed in the punishment, even then the claim *pro ut jacet* (be it said with respect) cannot nor may not be applied to that excess.

In treating on those four points we shall as far as possible endeavour to follow the order observed by the fiscal in his pleading, and separately solve the refutations which he has advanced against us.

Ad primum, That the prisoner was acting legally, we have proved hereby, that a master has the indisputable right of chastising his slaves.

1st. From the analogy of slavery itself, and,

2nd. From the existing laws in that respect.

It is here neither the time or place to enter on an examination of the origin of slavery, or in how far the same is conformable to the wisdom and benevolence of the Eternal God; it is enough for this moment that such exists, not by acquiescence or the power of the stronger, but by social laws.

The intention thereof cannot be anything else than that he who is entirely under the power of another is obliged absolutely to obey that will from which he in return receives protection and the necessary subsistence. From this it followed that on the first establishment of the Roman Society, the right of life and death, which naturally includes all lesser rights, was acknowledged to the master; but this right was afterwards prescribed in order to prevent an improper use being made thereof.

But notwithstanding this subsequent limitation, the right of chastisement was continued to the master; and this was here our *second* remark.

This right has been already amply described in the answer by the law quoted, *Codicis titulo decimo quarto*, principally containing *Dominus &c.*, where this right is not only very accurately described, but also the different cases are stated in which the master must be considered as having forfeited the same.

It has not been proved that any of those was the case with the prisoner. But likewise this right is fully acknowledged to the master by the Statute Laws of India.

That therefore the prisoner had a right to chastise his slaves August and Adam is not subject to any contradiction or the smallest doubt.

The only question now is, did there exist sufficient reasons for the prisoner, in *hoc casu* to make use of that right?

If we only call to mind what previously took place with those slaves, we shall see,

- 1st. That they were obstinate and of evil dispositions.
- 2nd. That they had been guilty of running away.
- 3rd. That they did not choose to work.
- 4th. That they both had determined rather to die than remain in the power of the prisoner, and finally

5th. That the prisoner had for that reason resolved to sell them. And it will appear that if the prisoner wished to preserve the so necessary order at his place among the slaves, he was obliged to chastise those slaves.

It certainly appears,

Vide ad 1. The deposition of A. Bester,
The deposition of Van As.

Vide ad 2. The permission to put rings on them, and the deposition of Mosterd.

Vide ad 3. The deposition of Van As.

Vide ad 4. The evidence of different slaves given to M. van Niekerk, M. Nielen, et Faure and J. J. L. Smuts.

et ad 5. The deposition of Van As.

If now we are but reasonable, we cannot deny but what running away, and refusing to work are really sufficient reasons for chastising a slave, and especially if one reads the *meditationes* of Leyser *ad pandectas*.

The second argument in our system of defence was,
That he was provoked to repeated correction of his slaves August and Adam by their obstinate and stubborn conduct.

On this point, we refer to what took place, as well respecting the slave August as Adam, which on this side is considered as proved.

1. By the repeatedly running away of those slaves.
2. By their refusing to work.
3. By the indifference which they evinced on their being punished.
4. And by their resolute intention not longer to remain in the service of the prisoner, preferring rather to die than to live, which was proved, *a posteriori*, by the evidence of several.

The prisoner was not only forced to his repeated corrections, but he was even compelled thereto, if he wished to bring his

obstinate and stubborn slaves to a sense of their duty, and that he was not wrong in this respect appears by the alteration occasioned thereby in the conduct of the slave Adam.

If to prove our third argument, we only examine the *visum repertum* and the *Judicium Medicum* of Dr. Leisching, Senior, grounded thereon, with the further *Judicium Medicum* of Doctors Prediker and Wehr, as also the depositions of Dr. Prediger and Surgeon Bosenberg, we shall speedily discover that it is therein positively said that the cause of the death of the slave August is not in any wise to be attributed to the consequences of the correction inflicted on him, while it was found that Adam only suffered a good chastisement.

And namely that this chastisement by no means can be stamped with the title of ill usage.

In the reply the R. O. Prosecutor endeavours further to support his charges by examining into the nature of the proofs, and then he confines himself principally to these three points :

1. The evidence.
2. The *Visum repertum*.
3. The confession of the prisoner himself.

Although the R. O. Prosecutor acknowledges our Law Argument of slaves giving evidence for or against their masters, and notwithstanding he will have such evidence admitted in this case, and thereupon founding the criminality of the prisoner's conduct, he appeals for the support of his argument

- a. To the constant custom in this Colony, and
- b. That especially in the present case the slaves have so uniformly deposed in this respect, without having been able to hold any previous communication together.

We take the liberty hereupon to remark that no existing laws can be abolished by a custom, and besides that we doubt what is alleged by the R. O. Prosecutor, that is we by no means doubt that in such cases, slaves are heard for and against their masters ; many proofs of this are to be found in the retroacts of this Worshipful Court, but we doubt if the judge *in judicando* accepted that evidence as deserving of all belief, at least the sentences of the court pronounced in such cases appear to us to prove the contrary.

With regard to the uniform and consonant evidence of the slaves without having had any previous communication with one another, we are far from avowing that to be the case.

Let it be remembered that the slaves Mesentie and Africa, with the previous knowledge if not of all, at least of some of their fellow slaves, left the place the Tuesday evening after the Sunday on which the slave August died, and that, *nota bene*, to complain of their master; from which circumstance we conceive we can, and may, deduce that the slaves had communication together, and that they in reality did settle with one another how they should bring in their accusations; this is said in the deposition of Abraham to have been heard by him from the slave Maart. As now of all the preliminary examinations, excepting those of the two above-mentioned accusers, and that of the punished slave Adam, no other declarations are exhibited in the prosecution, we therefore cannot judge whether the preliminary depositions of the other witnesses are or not of the same stamp and agree with them. Further one need only examine the answers given, from which the degree of ill usage must be proved, in order to be convinced of the difference, and uniformity, of their answers.

For example they all differ in the time when the last punishment is said to have been inflicted, also in the time when the slave August was brought to the meat room or pantry, in what manner he had been hoisted up, and in what they knew of the deceased slave's fingers being sore: from which we may safely deduce that they did endeavour to say everything possible against their master, but as they had predetermined to tell untruths they differed in their answers.

We have already demonstrated in our answer: That no regard can be paid *in judicando* to the evidence of the overseer Wotki, and of the slaves to which the fiscal appeals, in order nevertheless to prove the crime of ill treatment.

But we take the liberty here to add to what has been already alleged what we find taught by Pothier in his Pandect. Lib. 22, § 3, and *justly* slaves cannot be heard for or against their masters; because that a slave, whether for or against, is *in both cases* partial. In the latter, because that a slave, being under the discipline of his master, will not consider him as his friend, but as his enemy, against whom he will take, without any remorse, the first opportunity which offers of gratifying his revenge for all the correction he has suffered; because his situation in life excludes all morality from his heart.

We further read in the law book of Louis the 14th, Art. 30, and

which we take the liberty to quote, as the opinion of a celebrated law author, who wrote on the composition of that law book. . . Some laws go still further, agreeably to the *lex prima*. . . . We further add, particularly with respect to the evidence given in this case,

1. That the overseer Wotki as well as the slaves have varied in their depositions.

2. That they have an interest in accusing their master in order to be released from the laborious work of a farmer.

3. Especially with respect to the overseer Wotki, that he (not the prisoner) had been guilty of ill treatment and excess of punishment, in which case he would be an accomplice.

In which respect we beg leave to refer to what we find taught in the *lex decima*, and especially Van Leeuwen in his treatise on the R. H. R. 5th book, Part 20.

In order if possible to deprive the *Judicium Medicum* as well of Dr. Leisching Junr. as of Doctors Prediger, Wehr and Leisching senr. of all effect, the R. O. prosecutor exhibits with his reply a *Judicium Medicum* of Dr. Biccard; but we take the liberty to submit to Your Worships' attention the following considerations:

a. That as Doctor Biccard was not present at the inspection of the body, his *Judicium Medicum* cannot be equivalent to that of Doctor Leisching, junior, who besides acted officially by order of Your Worships, and who consequently deserves the full confidence of this Court.

b. The word ill treatment is at all events relative as well with respect to the person who is said to have been ill treated as with respect to the cause why the ill treatment was inflicted; as for example, a slave receiving a blow undeservedly may be called ill treatment. A free person attacking us on the high road we may not punish before he makes the attack, as long as without endangering our lives we are in the possibility of calling in the protection and vengeance of the laws; but it is widely different when we experience anything of that nature from our slaves. But in general the opinion of Dr. Biccard in this case is extremely vague, and seems to rest on the declarations supplied him and exhibited in the suit, by which he has exceeded the bounds of his duty, and assumed to himself a right which exclusively belongs to Your Worships.

c. His opinion of the possible consequences of the adhesion of

the heart purse to the heart itself is nothing to the purpose, as it has not been maintained by the *Judicium Medicum* exhibited on our side, that such must necessarily be attended with death; while it just as little appears from what he says, that those people whose bodies he opened should not have died in case that peculiarity had not taken place. At all events Dr. Biccard never will, or can, deny that the growing of the heart purse fast to the heart is an unnatural appearance. It will willingly be allowed to me that the All Wise Creator has so adapted everything in the curious construction of our bodies as was best necessary for the preservation of our health; consequently everything which deviates from that order must be more or less prejudicial to that health; and as the heart is one of the principal and most noble parts of our body, it is natural that the least impediment to the exercise of its function may occasion death.

d. But besides as Dr. Biccard has had the prudence alone to deny that this complaint was the positive cause of the death of the slave, he therefore does not deny but what it could have been a cooperating cause of the same.

e. And finally in the opinion which he took the liberty to give, he was also prudent and even thereby uncertain when he only states the probability that ill treatment, accompanied with a want of victuals and drink, might have been the cause of death.

As now at all events a *Judicium Medicum* should be positive, and never suppositious, we trust that the exhibition of this document cannot be any wise prejudicial to the prisoner.

The R. O. Prosecutor further says that the prisoner has acknowledged of having put rings on the slaves August and Adam, of having ironed them, and finally of having flogged his slave August three successive times.

We have proved in the answer that although it is true the prisoner did put rings on those slaves, still however it was with the previous knowledge of the magistrate.

We further proved on that occasion that the prisoner was obliged to put the slaves August and Adam in irons at night, in order to prevent their running away; that in doing so he followed the general custom observed in this Colony, and which if necessary is allowed him by law.

It is true that agreeably to the Statute Laws of India the consent of the magistrate is required for that purpose; but we are

(with due submission) humbly of opinion that this order or permission of the magistrate is alone required in cases where one puts a slave in irons by way of punishment. But as the prisoner has acknowledged that he only did so to prevent the slave from again running away, so as to be enabled to deliver him on his being sold, we therefore cannot acknowledge the criminality of putting him in irons, and the more so as the prisoner thereby did nothing else than follow the general custom observed here.

When the prisoner acknowledged that he had beaten the slave August three successive times, he was far from thereby acknowledging that he had given him three separate floggings, as we conceive to have proved in the answer that August, as well at the corn land as near the peas received only a few strokes, in order to make him walk, and that taking all together he did not get more than thirty to forty.

On this acknowledgment, to which the R. O. Prosecutor adds the placing of the slave August ironed in the meat room or pantry, and there partly hoisted him up, the R. O. prosecutor grounds his charge of ill treatment, to which he ascribes his death as a consequence.

We have, as we conceive, already sufficiently shewn that neither the putting on the rings, the ironing of the slave, nor the punishing of August and Adam can be reckoned under the terms of ill treatment, so that we have now only to enquire whether the prisoner actually did cause the slave August to be hoisted up in the pantry or in the kitchen, and finally in how far the whole of this treatment was the cause of his death.

Ad. 1. The prisoner has denied, and still denies, that he ever gave any orders to have the slave August put into the pantry, and that in case he had been there it was without his order or knowledge, consequently, that he who did so is alone responsible for the same, and that was the overseer Wotki, as he himself acknowledged.

And in how far this evidence of Wotki can be accepted, we have already said; but besides how is it to be supposed that the prisoner would make use of an apartment as a sort of prison which was adapted for the purpose of keeping victuals and drink, and which consequently were subject to spoil; on the contrary it has fully appeared, that the slave August was only ironed at night, and that he worked by day while at night he was placed in the

kitchen under the charge of some slaves, who were put there to take care of him ; and the following day after his punishment he was placed in the slave house, where he continued till that he died.

What now respects the hoisting up, this the prisoner positively denies, but he acknowledges that he ordered the overseer Wotki, agreeably to custom, to take care that the slave did not force the lock of the irons, or that he did not leave his place, whether with intention to run away irons and all, or to lay violent hands on himself.

The prisoner could suffice with this denial, and could leave the whole story of the hoisting up for account and responsibility of those who did so, but at all events this story is not further proved in the prosecution than to corroborate what the prisoner has just acknowledged ; it is even the contrary ; this hoisting up, which at all events did not extend further than the two hands and one leg, is denied by the two slaves Martha and Jeannet, who, while they were doing their work in the kitchen saw the slave resting or lying on his sheep skin, while the evidence of Martha cannot be subject to the least doubt, as she had no reason to speak in favour of the prisoner because she did not belong to him.

Ad. 2, namely that all this treatment taken together which the R. O. prosecutor has given the general term of ill usage to, was, if not directly, at least indirectly, the cause of the death of the slave August ; on this we take the liberty to remark :—

a. That the prisoner having a right to chastise his slave for the faults he had committed of repeatedly running away, refusing to work, and for impudence, was acting in a legal manner.

b. That he was not only provoked to this correction and punishment by the continually obstinate conduct of the slave, but also called upon and instigated thereto by the overseer Wotki.

c. That in the manner of punishment he followed the general custom of this Colony, and that he did not make use of any other instruments for that purpose than such as were best adapted not to give him an unlucky blow.

d. That it does not by any means appear from the *Visum Reperium*, agreeably to the *Judicium Medicum* founded thereon, that any ill treatment had taken place ; on the contrary, it is therein specially and positively said, that the death of the slave must alone be attributed to want of food, and also possibly to the

heart purse having adhered to the heart. Everything therefore which has been alleged to the contrary of that, we trust will not in this case be received as proved.

e. The withholding of victuals and drink, as being the act of the deceased himself, has been fully proved as such in the prosecution excepting what is found according to the *Visum Repertum*, and it is by no means denied by the R. O. prosecutor; but this act, altho' committed by the deceased himself, is laid to the charge of the prisoner as a crime by the R. O. prosecutor, who maintains that the slave from despair had chosen death, in order to be released from the ill treatment which he had suffered.

Allow me to pause a moment on this subject, on which we remark in the first place, but supposing (altho' not the case) that this continual conduct of the prisoner degenerated, by this continuance, into ill treatment, even so, the slave August had it in his power by evincing repentance to be released therefrom; he had only to recollect how the prisoner on a former occasion, on his promise of amendment, released him from wearing of rings, and he had only to take an example from the behaviour of the prisoner to his slave Adam, who, on promising to behave better, was released from being ironed at night, in order to be assured that he should, if he shewed repentance and promised amendment, be released from irons the same as he was. Secondly, his malignancy went so far that as afterwards appeared he chose rather to die than to continue to work for his master, notwithstanding that he had just as little reason to complain of his victuals and clothes as any other of his fellow slaves.

In how far now this suicide of the slave can be attributed to the prisoner, we declare not to understand, for then one could with the same right suppose that all the slaves who had been guilty of the same crime were forced thereto by a previous ill treatment from their masters, and consequently every master would be responsible for the self murder of his slave, a thing which would be absurdity itself, as the daily occurrences of that nature teach us that slaves do commit such crimes notwithstanding that they always receive good treatment.

In addition to all this we subjoin the two following remarks:—

1. That all the slaves, generally speaking, have no reasons to complain of victuals or clothes.
2. That the prisoner intended to sell three of his slaves, among

whom was August, by which he might expect to return, if not the whole at least a part of the purchase money, and we may therefore safely assert that he certainly cannot be considered as intending to illtreat this slave, much less of wishing to give any cause for his untimely death.

From the whole defence taken together, compared with the grounds upon which the claim is founded, nothing else can be deduced than that the prisoner punished his slaves August and Adam in proportion to the faults they had committed, and although we respectfully trust

That he, in this case, did not exceed his right, at least if his conduct be judged by the law, still however in case Your Worships unexpectedly may think otherwise,

That is, that the prisoner did go beyond his right in punishing his slaves, we must in such case remark that the punishment claimed is by no means proportionable with the excess committed.

We now see ourselves advanced to the last part of our defence, which also constitutes the last part of the subject of the R. O. prosecutor's reply.

The R. O. prosecutor therein maintains that the discretionary punishment (the measure of which is left to the judicium judicis by the Statute Laws of India) alludes to such ill treatment as may be considered if not directly, at least indirectly, to have caused death.

Altho' we are at liberty to differ from this system and to consider that this discretionary punishment is at all events only applicable to such cases in which it is fully proved that death must have necessarily been the consequence of a previous excess of correction, still, however, this question is not applicable in the present case, because it is proved that the slave August did not die of the consequences of the chastisement which he received. Having now adopted this as a basis, we take the liberty to repeat

That a Court (be it said with respect) has not any right to apply a discretionary punishment so long as a positive law exists whereby a crime which is proved is described, and by which the punishment for the same is specially prescribed.

By the laws of our country excess of correction or ill treatment of slaves is punishable with the forfeiture of such ill treated slave, but notwithstanding the R. O. prosecutor found good to claim

a dishonouring, and for a whole innocent family humiliating punishment.

Over and above that, we take the liberty to remind Your Worships of what we have already remarked in our answer, respecting the intention of the laws in leaving to the judge the application of discretionary punishment, I still beg leave to remark here what is said by a celebrated lawyer on the subject of defaming punishments :

That previous to adjudging a man to dishonour, who from his situation in life or means may be respectable in society, one must first be able to say with truth, this man has committed a scandalous act, and thereby evinced such a depravity of mind that it would not be right that he should publicly appear any more, but on the contrary be left by his friends and relations to wander about unknown, and carry with him his depravity and shame in a foreign country.

This remark is more circumstantially to be found in the old author of the Public Law in the Lyseon at Paris, de la Croix, Chapt. 5th, respecting dishonouring punishments.

In how far now the prisoner has committed such scandalous act and thereby evinced such a depravity of mind we dare safely leave to the equitable and impartial judgment of Your Worships.

But to proceed : we are not here to enter upon a philosophical enquiry in how far the Statute Laws of India and the subsidiary Roman Law attached thereto are at present calculated for our more enlightened days ; this is the work of the law giver, but he who is charged with the maintenance of the laws of the Government, and who must decide on the charges of the same as judges, is, be it said with respect, bound to the existing laws, and we cannot apply to the present case any other than the law quoted, and principally the Statutes of India, upon which also His Majesty's fiscal seems to have intended to ground his claim ; and this law prescribes the forfeiture of the ill-treated slave. But if we compare the fourfold claim of the R. O. prosecutor herewith, we cannot say that he has followed the golden rule

“ *Poenæ molliendæ sunt potius quam asperandæ.*”

And if we consult the quoted author Leyser, who certainly cannot be said to be very mild in his opinions respecting the punishment of crimes *de homicidia culpabile*, where he says § 17 &c.

We cannot conceal our astonishment at this severe claim ; for to judge of the dreadfulness of the first, we need only consider the situation and ambitious character of the prisoner ; further that this punishment causes all those who are nearly allied to him to participate therein, through which even death itself would be more preferable ; while according to the Lex prima Codicis, ad Legem Corneliam desicarus, he whose life being endangered and deprives his assaulter of his life, is acquitted of all defaming punishment ; and agreeably to the Lex 30, § 4, Pand., ad Legem Aquilium, he who wounds a slave, and the slave dies through negligence or neglect, is alone responsible for the wounding and not for the consequent death.

If we now add that according to the *judicium medicum* the slave August most certainly did not die in consequence of the chastisement which he received, and if we recollect that the slaves August and Adam provoked the prisoner by their conduct to punish them in such manner, it will evidently appear, that the claim is not in proportion to the crime of excess in case such was proved in the prosecution ; and that this *judicium medicum* must serve as a beacon to the Court in adjudging the punishment, no person who is acquainted with the treatment of criminal cases will deny.

It is at all events an axiom in law * * * * * the more so as such declarations of doctors and surgeons *solemniter* given are held in law *pro una et plene probatione* ; and with respect to such *judicium medicum*, also relates *ad artem &c.*

Herewith we conceive to have proved that the first part of the claim cannot follow, even if it were not so positively said in the *judicium medicum* that the slave August did not die of the consequences of the chastisement inflicted on him, how much less then, when such is positively said by professional men.

If we now further compare the remaining three parts of the claim with the crime which the prisoner is said to have committed, even if the R. O. prosecutor had confined himself thereto, still the same is no ways proportionable.

One must forgive me this expression,

1. Because that as we have already remarked, it is contrary to the local laws.

2. Because that this punishment would strike as well at the innocent as the guilty.

What must become of a grain farmer when he is deprived of the means to labour? he who has learned nothing else must necessarily come to beggary with his family; and therefore the 3rd and especially the 4th part of the claim stands in many respects alike with that hateful and so contrary to the law of nature, but now fortunately abolished, confiscation of property.

And upon what principal ground has that almost general confiscation taken place, than on a conviction that in such punishment the innocent must also participate.

Herewith we conceive to have sufficiently proved the groundlessness of the claim made by His Majesty's fiscal.

We also trust Worshipful Gentlemen to have shewn that the R. O. prosecutor has not proved that the prisoner has been guilty of ill treating his slaves. Because on the contrary it appears that his slaves August and Adam received a well-deserved punishment.

That he did so in the usual manner generally practised by the colonists; and that he employed thereto in every respect the proper and customary instruments.

While it has fully appeared that the slave August died as well from his malignantly starving himself as from another attendant circumstance.

Finally that the prisoner treats all his slaves well, by providing them with every proper necessary for their subsistence; and consequently that the prisoner has not deserved any punishment.

But supposing, altho' not, Your Worships should conceive that the prisoner has exceeded the measure of correction, even then we are respectfully of opinion that the punishment claimed, or even a part thereof, is not proportionable to such excess; and we take the liberty in addition to what we have alleged, to refer to the retroacts of this Worshipful Court.

Besides the cases we have already quoted, we there meet with those of the landdrost of Tulbagh *contra* the Widow du Toit, charged with ill treating three of her slaves, and the slave girl named Tukasta, at whom she threw a stone, and who died the following day and was thereupon privately buried; and for which the prosecutor concluded for an imprisonment of six months, and that all the slaves in her power should be sold for her account. Sentence: Rds. 500 penalty and the slaves sold.

The landdrost of Stellenbosch *contra* Jacob Mosterd, charged

with ill treatment in consequence of which the death of two of his slaves followed. In which case the prosecutor concluded (a) to a penalty of *arbitrium judicis*, (b) all the slaves to be sold for account of the defendant, as well those who were ill treated as the remaining slaves. Sentence: Rds. 300 penalty, and the sale of 5 slaves on account of their master, under the usual conditions, etc. N.B. Among the two slaves who were ill treated, was a child of 10 years old, named Carel, who was buried without the previous knowledge of the field cornet, and according to the *Visum Repertum* ill treatment actually had taken place.

The landdrost of Stellenbosch *contra* Isaac Nieuwhout, charged with ill treatment, in consequence of which the death of a slave Jeftha, belonging to his mother, followed. Case: punished in the morning with a string about 40 strokes, will not work, thereupon driven to the land, and dies. In which case we believe the claim of the prosecutor was rejected.

His Majesty's fiscal *contra* Philip Wagener, charged with excessive ill treatment. Claim: five years banishment and all the slaves sold for account of their master. Sentence: two months imprisonment and the ill treated slaves alone sold for account of their master.

His Majesty's fiscal *contra* Steetler, charged with having so beaten, or caused to have been beaten, his slave Abraham in such manner that death was the consequence. Sentence: the confinement counted as a punishment, and five slaves sold.

To conclude, allow me, Gentlemen, to implore Your Worships' attention to the interesting situation of the prisoner, separated from a pregnant spouse, from his children who so much need his assistance, and from a virtuous father, his business neglected, threatened with a dishonouring punishment, although confidently relying on his innocence and the known equity of Your Worships, he looks forward with earnestness to be released from this situation and restored to his family and society.

And it is with this consoling prospect, and in this reasonable hope, that I herewith persist for rejoinder in the conclusion made in our answer.

No. 3.

Thursday, the 17th September 1812.

All the members present, excepting J. A. Truter, Esquire, Chief Justice, by excuse.

The Secretary of the Court, Gerard Beelaerts van Blokland, Esquire, by virtue of his office summoner, *contra* D. Denyssen, Esquire, His Majesty's fiscal, R. O. prosecutor in a criminal case on the one part, and Jacob van Reenen, Frederik's son, prisoner and defendant on the other part, in a case of gross ill usage to his slave Adam from Mozambique and his now deceased slave August from Mozambique, both parties now summoned to hear sentence pronounced on the papers and documents produced and on the verbal pleadings before the Court.

The Court having read and examined the papers and documents reciprocally exhibited, having heard the pleading, and having taken everything into consideration which deserved attention or could move the Court, administering justice in the name and on behalf of His Britannic Majesty, condemns the prisoner and defendant to be confined in the public prison for the term of the next ensuing *three* months; and further decrees that the prisoner and defendant's slaves named Adam from Mozambique, Africa from Mozambique, Lange Present or Mezentie from Mozambique, Adam of the Cape, Prendito from Mozambique, Kleine Present from Mozambique, Maart from Mozambique, Spadille from Mozambique, Onverwacht of the Cape, Izaak from Mozambique, and Alexander from Mozambique, to be judicially sold publicly under condition that they shall never either directly or indirectly come under the power of the prisoner and defendant or any one of his relations or dependants, with condemnation of the prisoner and defendant in the costs and expense of justice and of the prosecution, to be taxed and moderated by the said Court, rejecting the further or other claim and conclusion made by the R. O. prosecutor against the prisoner and defendant.

Thus done and decreed in the Court of Justice at the Cape of Good Hope, on the 14th September 1812, and pronounced on the 17th following.

In my presence.

(Signed) G. BEELAERTS VAN BLOKLAND, Secretary.

[Enclosure C in the above.]

Court of Justice.

Sentence in a criminal case, A. G. van Kervel, Esqre., Landdrost of George, Prosecutor for the Crown, *contra* Cornelis van Tonderen, prisoner and defendant in said case.

Whereas Cornelis van Tonderen, 27 years of age, born at the Cango, now detained in the public prison and defendant in an ordinary process, has voluntarily confessed, and it having also appeared to the Court of Justice :

That he the Prisoner being married with Cornelia van Emmenes, and residing at Elephants River in the district of George, having on a certain Sunday in the month of November 1810 been at work with his father on a ditch, his said wife went to the fields with the sheep and goats, and the prisoner having gone the same afternoon to the cattle, he met her and desired her to turn them, which however she refused to do, and at the same time threw a stone at his legs ; in consequence of which the prisoner being angry, he took up a stick of thorn wood as thick as his wrist, and gave his said wife a blow behind in the neck with it, through which she fell to the ground and died, without having spoken anything more ; whereupon the prisoner laid her leaning backwards under a bush in the shade, with her hands on her breast, and her feet stretched out, when he perceived that a small quantity of blood issued from her nose.

That the prisoner having thereupon gone home, did not however relate anything of what had happened, but on the contrary behaving as if he missed his wife, went in the evening to look for her, but returning without her, he again went out the following morning with his father Andries van Tonderen, and after a short search found her lying under a thorn bush in the same position as he had placed her the day before, on which the prisoner's father went and fetched a waggon with which he brought the corpse to his dwelling, and the third day afterwards buried the same, without having given any information of the sudden death of the said woman to the Field Cornet, or having the body inspected as it ought to have been.

That the old Field Cornet Adam Raubenheimer, who in the absence of Matthys Heyns, Ockert's son, acted for him, being

'casually informed on the 4th or 5th December that the prisoner's wife lay dead in the fields, wrote to the prisoner to come and answer for his not having reported the same, with which requisition however the prisoner did not comply, but some days afterwards requested the said old Field Cornet to come and take an Inventory of the Effects of his deceased wife, which the Field Cornet did not do, but on the contrary repeated his first requisition, whereupon the prisoner having repaired thither fourteen days afterwards with his father, he in excuse for his non compliance pleaded ignorance.

That the Field Cornet M. Heyns above mentioned, having returned home on the 24th December following, and being informed by Adam Raubenheimer of the circumstance, after making some previous enquiry went duly assisted to the place where the body was said to have been found, where he discovered a piece of thorn wood nearly rotten a foot long, and half an arm thick, in the middle of which stick there was a bloody place the size of a silver ducat, while at a distance of about ten paces a large spot of blood was to be seen on a stone, after which, the circumstance being brought to the knowledge of the Landdrost of Swellendam under whose jurisdiction the said district was at the time, he caused the corpse to be dug up, and a surgical inquest to be taken on the same, when on the soft parts of the body, which had begun to putrefy, nothing could be discovered, but nevertheless it was found that the vertebræ of the neck were dislocated in such manner that the first and second joints projected out before, through the soft parts, from which surgical inquest it was deduced that such must have been occasioned by a blow on the neck ; the consequence of which investigation was, that the prisoner and defendant after being apprehended by judicial decree, was prosecuted first before the Commission for administering Justice, at the Session held in the year 1811 at George, and thereupon (this case falling under the tenor of the Proclamation of the 16th May 1811, Art. 2 L. D) being brought to the prison here, was admitted to an ample and ordinary process on condition of his making his defence *ex carcere*.

And as it therefore appears that the prisoner and defendant in this case has been guilty of killing of his wife, without being able to allege anything in his defence than that it was an unfortunate blow without any intention to kill, which crime however cannot be tolerated in a country where Justice prevails, but on the contrary

should be rigorously punished according to circumstances, as an example to deter others from doing the like !

So it is that the Court having read and examined the prisoner and defendant's confession and further proofs inserted in the Records held by the Commission of Circuit at the Session at George in the year 1811, as also the papers and documents reciprocally exhibited ; and having taken everything into consideration which deserved attention or could move the court, administering Justice in the name and on behalf of His Britannic Majesty, condemns Cornelis van Tonderen, the prisoner and defendant in the case, as he is hereby condemned, to be brought to a public place at the Drostdy of George adapted for the execution of criminal sentences, and there being delivered over to the Executioner, to kneel down before a heap of Sand, and his eyes being blindfolded, to be punished with a sword over his head, and thereupon banished for life out of this Colony and the dependencies thereof, never more to return on pain of severer punishment, and to be placed at Robben Island till that an opportunity may offer for his transportation ; rejecting the further or other claim and conclusion made by the R. O. Prosecutor against the prisoner and defendant, with condemnation of the prisoner in all the costs and expenses of the prosecution, to be taxed and moderated by the Court.

Thus done and decreed in the Court of Justice at the Cape of Good Hope the 3rd June 1813, and after having received the Fiat of His Excellency the Governor and Commander in Chief pronounced on the . . . following.

(Signed)	J. A. TRUTER
	C. MATTHIESSEN
	A. FLECK
	W. HIDDINGH
	F. W. FAGEL
	P. L. CLOETE
	D. F. BERRANGÉ.

In my presence.

(Signed)	G. BEELAERTS VAN BLOKLAND, Secretary.
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A true translation.

(Signed)	HENRY MURPHY, Sworn translator.
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[Enclosure D in the above.]

A huge volume (No. 45 Cape of Good Hope) is filled with the trial of a degraded white man named Paul Wolmarans, who led a very disreputable life with slaves and others, and three slaves, for the murder of a woman who kept a wine house in Capetown; the object being plunder. The whole case is summed up in Sir John Cradock's letter, and I see no necessity for giving any part of it.—G. M. T.

[Enclosure E in the above.]

No. 1.

*To HIS EXCELLENCE DU PRÉ EARL OF CALEDON, Governor
and Commander in Chief, &c., &c., &c.*

MY LORD,—The humble Petition of Your Excellency's most obedient and humble Servant Clasina most respectfully sheweth

That the Petitioner has been sixty-five years ago and upwards brought to this place together with her father and mother free People from Bengal her native Land, by the Governor the Hon'ble Zigterman in order to proceed with the same to Holland.

That the Petitioner being then yet a child has been recommended by the Governor to the care of the Secretary of the Orphan Chamber at that time, Blankenberg, while both her Parents have accompanied the Governor to Holland, where her mother died, and her father from thence returned to Bengal.

That the Petitioner in the month of February 1745 has received the Sacrament of Baptism, according to the Certificate here annexed from the Register of Baptisms of the Reformed Church.

That the Petitioner has brought forth three Daughters, of whom the elder called Theresa died, who has left one daughter at C. Peters and one son at C. de Wet's as slaves; the second Eleonora sold to Pieter van der Heyden by public sale, and afterwards transferred to his daughter the deceased wife of Johannes Schreuder, having five children and five grandchildren; the younger and the last Susanna transferred to the widow of Pieter de Waal, the daughter of Blankenberg, having nine children, of whom two daughters have released themselves from slavery by their own money, and the one of the two still leaving a child behind her at her mistress's,

two sons to Thomas Dreyer, one son to Smitsdorf, one daughter transferred to Anna de Waal, and the remaining three children being yet slaves at her mistress's the said widow.

And whereas the Petitioner as a Christian for the clearing of her conscience before God as well as her children, in her decrepit age, and before her death could wish to know from whence the state of slavery of her children has its origin, the Petitioner addresses herself to Your Excellency, so as she takes the liberty to do by these Presents, with a very humble request that it may graciously please Your Excellency for her comfort to cause an enquiry to be made in the said matter so and in such a manner as Your Excellency in highest wisdom shall judge proper.

And your Excellency's Petitioner, as in duty bound, shall ever pray.

Cape of Good Hope, the 30th January 1811.

This cross is the mark X of Clasina.

No. 2.

Extract of a Resolution taken by President and Members of the Court of Justice at the Cape of Good Hope on Thursday the 14th February 1811:

Was read a letter from the Deputy Colonial Secretary C. Bird, dated 8th instant, therewith transmitting to this Court by order of His Excellency the Governor and Commander in Chief, copy of a Memorial from Clasina of Bengal (requesting an Investigation into the case of her Children and Grandchildren) and desiring that the Court may take such steps therein as are usual when Petitions of that nature are in the first instance addressed to this Court. Whereupon it was resolved (P. J. Truter, Esqre., after declaring himself to be the owner of Memorialist, having withdrawn himself from deliberating in this case) to grant Memorialist a Trustee to manage her concerns and those of her said Children and Grandchildren as well in law as otherwise, and to appoint and nominate as such the advocate J. H. Neethling.

No. 3.

The undersigned hereby certifies that it appears from the Register of Baptisms of the Reformed Church of this Place that on the 14th February 1745 Clasina of Bengal, an aged Person, was duly baptized.

Cape Town, 5th January 1811.

(Signed) J. H. von MANGER.

No. 4.

*To W. S. van RYNEVELD, Esqre., President, and the Members of
the Worshipful the Court of Justice of this Government.*

The undersigned advocate humbly represents that having received your Worships' commands, whereby he was appointed and nominated Trustee on behalf of one Clasina (requesting an investigation into the case of her children and grandchildren, who are kept in slavery, but whom she asserts to be free) to conduct her concerns and those of her children and grandchildren, has immediately undertaken an enquiry into the case of the said Clasina since her arrival in this Colony. The said Clasina informed him that her father and mother were slaves to Mr. Zigterman, that the said gentleman and his wife touched here on their return to Europe, and then took her mother with them to Holland, leaving her (Clasina) here in slavery under the authority and in the service of the late Mr. Blankenberg, promising that they would write to her from Holland and have her brought over, yet that this never took place, but that she was some years after placed under the direction of P. J. Truter, Esqre., who was then married to Miss Hannetje Blankenberg, and with whom she has hitherto remained; that she has no proof whatsoever of her freedom, but that she was instigated by her children and particularly by Marie, slave of the widow P. de Waal, to sign the memorial to his Lordship.

That the undersigned has likewise made application to the Reverend J. H. von Manger, and caused the church books to be searched for the purpose of discovering whether the word Person (Persoon) is mentioned in the certificate of baptism of Clasina, or

whether any other document could be found in the church books indicative of the freedom of Clasina, upon which he received from Mr. Von Manger the letter hereunto annexed, and it was further pointed out to him by the sexton of the Reformed Church, in the register of baptisms that the word Person (Persoon) is more used in the same for the distinction of age (as different from children), than as the word Person is used as a law term. Further the new Statutes of India, Title Slaves, Article 9, in conformity to the resolution of the Chief Government, dated 10th April 1770, run as follows:

"The Christians are bound to instruct their slaves in the Christian religion and have them baptized, if they be inclined or can be induced thereto, using the least forcible means, on pain of arbitrary correction, and those who have been confirmed in the Christian religion may not be sold, but their masters are obliged at their death or departure from this country to emancipate all such slaves, or present them or bequeath them to others under the same obligation, or at their departure from India to transfer them, at a reasonable valuation either by the messengers of the board of schepenen, or orphan masters, or the auctioneer of the town vendue master, to such persons as may be willing to take them over and manumit them, as also to allow all such slaves as are born in the family or are presents to purchase their freedom themselves at prime cost or at valuation." This law then gives no immediate freedom to the baptized slaves. Moreover this law is subsequent to the baptism of Clasina, and thus can have no retrospective effect, as Clasina was baptized in the year 1745, a period when the proclamation of the Governor General Van Diemen of the year 1642, with respect to the baptism of slaves, was only applicable, and in which was only to be found the following passage: "The Christians are bound to instruct their slaves in the Christian religion and have them baptized, on pain of arbitrary correction." So that Clasina, in regard to her baptism *alone*, can have no claim to freedom.

The undersigned has however demanded of said P. J. Truter, Esquire, a proof of his property in Clasina, and received from him copy of a document hereunto annexed, from which it appears that the same Clasina was bequeathed by the late Johannes Henricus Blankenberg and Anna Margaretha van der Heyde, lawfully married persons, to their daughter Johanna Ernestina

Blankenberg, who was afterwards married to P. J. Truter, Esquire, (and who bequeathed her to the same P. J. Truter, Esquire), as a slave by the name of Manomia, surnamed Clasina of Bengal, and under this condition that neither she nor the children which she may hereafter bear shall ever be sold (except on account of very bad behaviour), but shall remain the property of said Johanna Ernestina and her heirs.

The undersigned therefore being of opinion that the said Clasina and descendants are the lawful property of P. J. Truter, Esquire, and his heirs, and trusting that he has fulfilled your Worships' commands on that subject, humbly requests to have your Worships' declaration to that effect.

(Signed) J. H. NEETHLING, Advocate.

No. 5.

To J. H. NEETHLING, ESQRE.

SIR,—In answer to your letter of the 26th instant I have the honor to state that the word Person (Persoon) was not used by me in the certificate of baptism of Clasina of Bengal to imply thereby the *freedom* or *free birth* of said Clasina, but merely in compliance with custom; for in the register of baptisms the same is used for all aged persons indiscriminately, whether they be manumitted, slaves, or free born. I have &c.

(Signed) J. H. von MANGER.

No. 6.

We the undersigned Johannes Henricus Blankenberg and Anna Margaretha van der Heyde, lawfully married persons, declare and acknowledge to present, give, and transfer, as we do present, give, and transfer by these presents in full and free property unto our daughter Johanna Ernestina Blankenberg, one of our slave girls Manomia surnamed Clasina of Bengal, under condition that she and the children which she may hereafter bear shall not be sold, except on account of very bad behaviour, but shall remain the property of our said daughter Johanna Ernestina and her descendants, wherefore we renounce all right and property which we

until this day had in the said female slave in favor as above, promising to free the property thus gifted and transferred from all encumbrances according to law.

In witness whereof we have hereunto set our hands and seals at the Cape of Good Hope, the 24th July 1771.

(Signed) J. H. BLANKENBERG,
 A. M. BLANKENBERG, born Van der Heyde.

No. 7.

To W. J. van Ryneveld, Esquire, President, and the Members of the Worshipful Court of Justice of this Government, the undersigned Advocate humbly represents:

(Repetition of No. 4 with the following addition):

The undersigned having therefore on the 29th March communicated all this to your Worships and stated his opinion that the said Clasina is the lawful property of P. J. Truter, Esquire, and his heirs, notwithstanding received the resolution of your Worshipful Court of the 25th April last, by which it is required of him to proceed with the requisite accuracy in the examination of this case and of all such circumstances to which the documents that are brought forward may lead, finding himself charged with the difficult and troublesome task by the worthy Judge to investigate all the facts relative to the descendants of Clasina for a period of 65 years, the undersigned found himself obliged, in order to comply with the command of the Worshipful Court accordingly, to request in his memorial of the 30th May, and which request was granted by the worshipful Court as follows:—

1st. To be allowed to proceed without the use of stamps, and to be served with all legal summonses (if required) by the messenger of the Court gratis.

2nd. That all persons concerned in this case may be heard in the presence of the Commissioners by interrogatories.

3rd. That to this end the member of this Court P. J. Truter, Esquire, may be examined, and also Thomas Dreyer, Jacobus de Wet, Claas Peters, A. E. Smitsdorff, Johannes Schreuder, the widow of the late Pieter de Waal, Anna de Waal, together with the emancipated women Saartje and Mary, formerly slaves to the

said Widow de Waal, and that all other children and grandchildren of said Clasina may appear to answer to such questions as may be put to them in presence of Commissioners from the Court. And the undersigned has also the honor to exhibit the following :— (A list of documents).

From which papers (in the humble opinion of the undersigned) it appears

1st. That Clasina could not bring forward anything to prove her freedom, only appealing to two letters which she according to the Revision *ad idem* on the 10th July still had in her possession, and which she received from her mother in Holland, but which according to No. 4 do not mention anything of her freedom, and further asserting to have been informed by her mother that she was free born, whereas she, according to No. 4, was only a child of 4 or 5 years when her mother left her here; it is improbable that a Governor returning to Europe would have no room on board for a child of 4 or 5 years, but should have preferred to deprive the parents of such a child and leave it here, and let the mother come over from Holland two years after expressly to take the child from hence rather than take it to Holland himself; it shows that the owner (whom she calls Mr. Zigterman) must have given her to the late Mr. Blankenberg, and contained among others that her mother would come and fetch her two years after, but how is this to be believed, as the same Mr. Blankenberg has signed the deed of gift and conditional slavery on the 24th July 1771.

2nd. It appears that Clasina bore no children after she was transferred to the deceased wife of P. J. Truter, Esquire, so that Mr. Truter never could have acted contrary to the conditions of the gift.

3rd. It appears that prior to the said gift Clasina bore three children, named Theresia, Sanna, and Eleonora, of whom she says that Theresia is with Mrs. Brand and Susanna with Mrs. De Waal, and Eleonora was sold by the Orphan Chamber to Van der Heyde.

4th. With regard to the daughter of Clasina named Eleonora, it appears that in the year 1773 the said Eleonora was entered on the inventory of the estate of the late Blankenberg by the Board of the Orphan Masters administering the said estate, as unconditional property, by the name of Eleonora of the Cape, whereas the conditions then mentioned in the inventory in regard to the

slaves Carcat and Rosetta show that the slaves belonging to the estate were distinctly entered on the list with the conditions of slavery (if any were found), which was not the case with said Eleonora. It is evident that if at that time as well Clasina as the said Eleonora or her sister Susanna who still belonged to the estate (although presented to Christina Magdalena Blankenberg) had any idea of freedom, one of them would certainly have applied to the said Board in order to obtain their manumission, while on the contrary said Eleonora was sold by the Board of Orphan Masters at public sale, of whose freedom thus not the least proof exists or has existed.

5th. No. 7 Art. 2, shows us that two sons of said Eleonora, named Jan and Cobus, were sold to Johannes Schreuder, two daughters to Van Jaarsveld, and a son to the Widow J. Laubscher, all publicly and as slaves, so that certainly with regard to Eleonora and her descendants no trace of freedom will be found.

6th. With regard to the daughter of Clasina named Theresia and her descendants, it appears that the said Theresia was presented to Miss C. M. Blankenberg, wife of C. Brand, Esquire, on the very same conditions on which Clasina was gifted to the wife of Mr. Truter; while we learn that Theresia was sold by said Mr. Brand on account of her bad conduct, and that Claas Peters has a daughter of hers. And with respect to this daughter it appears that she is named Sylvia, found by him as slave in the estate of his first wife, and that a brother of Sylvia was either to be found at D. van Reenen's or on Robben Island, and No. 10, Art. 2, shows that the latter (being the slave of J. C. de Wet) was banished to Robben Island by sentence of the Worshipful Court, and said Sylvia says that the one brother belongs to D. G. van Reenen and the other to J. C. de Wet, the latter being on Robben Island.

7th. With respect now to the daughter of Clasina named Susanna, we see that she was also given to Miss C. M. Blankenberg, widow of the late P. de Waal, on the same condition as Clasina (her mother) was presented to the wife of Mr. Truter and Theresia to Mr. Brand. Relative to her children we read in No. 12, Art. 4, on the question to name all the children of Susanna, as follows, viz. Abel, Philip, Carolus, Telemachus, Salomon, Stoffel, Mary, Saartje, and Manomia, and a grandchild named Charles, the first named, Abel, is about 38 years old, the

second, Philip, 36, the third, Carolus, 34, the fourth, Telemachus, 32, the fifth, Salomon, 15, the sixth, Stoffel, 7, the seventh, Mary, 28, the eighth, Saartje, 23, and the ninth, Manomia, 16 years, and Charles 4 years old ; Abel and Carolus sold to F. Dreyer, Telemachus to Smitsdorff, Mary and Saartje are bought by their husbands. And all this agrees with the declaration of these slaves, while the Widow de Waal called God Almighty to witness her declaration that she sold the slaves to Dreyer and Smitsdorff on account of their extreme bad behaviour (consisting principally in drinking and gambling), that as long as her husband was alive she could keep them in order, but that after his death she was obliged to dispose of many of those slaves, and that the present examination has greatly increased her sorrow and trouble proceeding from the slaves still in her possession, so that two of them having obtained permission to hire themselves out did not bring in the amount hire for two months and were insolent to her besides, which declaration the purchaser Dreyer has confirmed with regard to those belonging to him, saying that the reasons why he bought those slaves were that they having been let to him formerly the one committed theft and the other behaved himself improperly, and that afterwards both ran away as well as their brother Telemachus who was sold to one Smitsdorff, that he being unwilling to hire them any longer sent them back to Mrs. De Waal, but that said Mrs. De Waal afterwards informed him that she could not agree with those slaves, when he became owner of them by purchase. And Smitsdorff also says with regard to his slave that the said slave Telemachus is obstinate and disobedient, and that he has therefore let him in order to get rid of him, while Anna de Waal states that she became owner of hers by purchase from her mother, which is in conformity to the deed of gift that the slave Susanna and her children shall remain the property of the person to whom they were given and his or her heir.

After having thus, Worshipful Gentlemen, (as the undersigned respectfully trusts) in consequence of the Worshipful Court's intention traced the whole relation of Clasina over which he was appointed trustee, and as is mentioned before the undersigned is of opinion that the sale of Eleonora as free and unconditional property already proves, that neither her mother nor any of the children have reported themselves to the Board as free persons, but on the contrary have consented to the sale of their respective

daughter or sister, which serves thus as a proof that they and Eleonora acknowledged themselves to be slaves; that Mr. P. Truter became owner of the said Clasina by gift, Mr. De Waal of a second daughter of hers in the same manner, and the late Van der Heyde of a third daughter of Clasina by public purchase; and that from the year 1773 to 1810 (thus by a possession and lapse of time of 37 years before there existed any question of freedom) that right is confirmed to the owners, that there also exist no traces of freedom, but that their silence during that time proves their conviction of being slaves; that also Mr. Brand and Mrs. De Waal according to their deeds of gift had a right to sell their slaves on account of bad conduct, and finally that if we justly consider it, it shows us that the possession is a true title of the possessors, that the accusation of possessing a person as slave who is free charges the original possessors with a fraudulent design and an act of capture whereby a certain person is deprived of his freedom, but which fraud may not be supposed, but must be proved; that all the proprietors, viz. P. J. Truter, Esqre., C. Brand, Esquire, Mrs. P. de Waal, and P. Schreuder, have proved their legal property, and thus the accusation of Clasina can only affect such acts as were committed by deceased persons who enjoyed a good reputation, and who have confirmed the legality of their acts at their death, as this legality is the more confirmed by a silence of 37 years of those interested, without any reasons having been stated by them or any apparent motive having been traced why they, or at least one of them, have not complained of their being illegally kept in slavery, or have taken any steps of the same nature as the present accusation hazarded to prove their having been deprived of freedom, which could never have been done more properly than at the time when the Orphan Chamber administered the estate of their donors as an impartial Board which had no interest in their freedom or slavery.

On these grounds then the undersigned requests to be released from the appointment of trustee over people of whose suppositions of freedom he declares to find no title, but on the contrary (on account of a possession and silence of 37 years added to the grounds before alluded to) voluntarily presumes to give his opinion as to the legality of their slavery, while on the other hand the undersigned Advocate (as he respectfully trusts) is sufficiently known to this Worshipful Court to be ready and

willing in all cases (if convinced of the justice of the claim) without respect of persons to plead for the legal freedom of human beings who are illegally kept in slavery, and particularly when called upon by the judge to proceed against every illegal possessor requesting therefore your Worships' honored reply.

Cape Town, 15th August 1811.

(Signed) J. H. NEETHLING, Advocate.

No. 8.

Interrogatories framed and delivered over to Commissioners from the Worshipful the Court of Justice of this Government by the Advocate J. H. Neethling as trustee over the slave Clasina of Bengal, in order to be administered to said Clasina, slave to P. J. Truter, Senior.

The said Clasina appeared before the Commissioners from the Court of Justice of this Government, and answered to the following questions in the order in which they stand.

1. Her name, age, and where born ? Says : Clasina, my age I do not know, but I believe full 70 years, I was born in Bengal, was six years old when I came to the Cape.
2. How she and her parents became the slaves of Mr. Zigterman ? My mother suckled Mr. Zigterman's child, and I was born in his house ; Mr. Zigterman brought me with my father and mother to the Cape.
3. Had she ever seen either her mother's or her own certificate of freedom ? No, at that period I was but a child, my mother did not show me them, and on her going to Holland she promised to return for me in two years, but in the interval she died.
4. If so, when, where, with whom, and by what means ?
5. Does she not know that she was left by Mr. Zigterman to Mr. Blankenberg ? Yes, because Mr. Blankenberg was agent to Mr. Zigterman.
6. Does she not know that she was presented by Mr. Blankenberg to Johanna the wife of Mr. P. J. Truter ? No, I was persuaded that my mother would in two years return to fetch me.
7. Was she not given to the said daughter by Mr. Blankenberg ~~before~~ the marriage ? I was with her before this marriage.



8. What children she bore since she lived with Mr. Truter, and where they now are? None, my children Theresa, Eleonora, and Sanna were then born, I bore them when with Mr. Blankenberg.

9. Were any one of the children sold; if so, if sold for misconduct? Afterwards Theresia is with Mrs. Brand, Sanna with Mrs. De Waal, and Eleonora was sold by the Orphan Chamber to Mr. Van der Heyde; and further answers, Eleonora was sold because all was sold.

10. Does she know nothing further relative to her case? Nothing but that I received two letters from my mother, since which she died.

Thus done at the Cape of Good Hope on the 21st of June 1811, before Messrs. C. Matthiessen and P. Diemel, Commissioners from the said Court.

No. 9.

Wednesday, August 7th, 1811.

Present: L. C. H. Strubberg and F. W. Fagel, Esquires, Commissioners from the Court of Justice of this Government.

The slave Clasina belonging to P. J. Truter, Esquire, having in her examination of the 21st June last declared by the Advocate Neethling appointed a trustee over the said Clasina that she had had two letters in her possession, which she had received from her mother in Holland, and which letters might serve as proofs of her freedom, though she neglected to show them to her trustee, who had repeatedly urged her to it, being now at the express desire of the Advocate Neethling required to produce the said letters, and asked whose they were, said Clasina declared that the letters were always kept preserved carefully in her chest, though they were now missing, and she believed were furtively taken away when she was extremely ill, at a time when her acquaintance had access to her chest; that according to the contents of these letters, which the old Mrs. Blankenberg had read to her, she now remembers that her father was deceased, that she must behave herself well, and that her mother at the expiration of two years would come to the Cape for her, at the same time acknowledges that not a word with regard to her freedom was contained in the above letters, but that as her mother was free she considered herself also free,

especially as she was but 4 or 5 years old when she was brought hither by Governor Zigterman, who remained here but one month, and then sailed for Holland, and declares for the reasons above mentioned that she is unable to produce the letters.

In addition to which declaration of said Clasina, Advocate Neethling declared that on a certain occasion said Clasina had shown him a letter which she said she had received from her mother in Holland, and that he found it contained nothing more than her father's death, the writer's situation, and other unimportant occurrences, together with an exhortation to good conduct, and further said Neethling declared to have found nothing relating to her freedom, but that her mother would come for her.

Thus done at the Cape of Good Hope, year and day as above.

In my presence.

(Signed) J. C. FLECK, *Deputy Head Clerk.*

(The whole of the evidence given before the Commissioners follows, but is too lengthy to print here, especially as the substance is found in the documents before the reader).

No. 10.

Extract of a Resolution taken before President and Members of the Court of Justice at the Cape of Good Hope.

Thursday, 2nd January, 1812.

Was heard the following report from the Member of the Court L. C. Strubberg, together and with the Secretary of the Court, in whose hands the report of the Advocate Neethling as trustee over Clasina of Bengal, with the documents relating thereto, were placed for consideration and opinion.

Whereupon (P. J. Truter, Esquire, having withdrawn himself from deliberating on this case) it is resolved that the Committee be thanked for the trouble they had taken, and that the Court coincides with the principles laid down of the above mentioned report, and it is further declared by these presents that there is no basis for an action in support of the claim to freedom set up on the part of Clasina and her descendants, that the Advocate Neethling has discharged his duty as trustee over Clasina in this

case, and is consequently released from all further, and he is hereby honorably released accordingly.

A true copy.

(Signed) D. J. VAN RYNEVELD.

No. 11.

To the President and Members of the Court of Justice at the Cape of Good Hope.

GENTLEMEN,—The undersigned, to whom has been transmitted by a Resolution, dated 12th September last, taken by Commissioners from your Court, the memorial of Clasina from Bengal to His Excellency the Earl of Caledon, then Governor of this Colony, and which His Excellency was pleased to refer to you to decide upon, together with the reports of Mr. Neethling, trustee over memorialist, and the documents thereto annexed, for your guidance and advice, have thought proper after the examination of the above to attain the object which you had in view, to apply themselves to the investigation of the following points:

1. Upon whom in case of reclamation of freedom rests the production of proofs.
2. Which or what kind of proofs can be considered as sufficient.
3. In how far she proved in this case as well with respect to herself as to her descendants.

Ad primum.—As to this point the restrictions of the Roman law, to which we are obliged to adhere until the legislature shall be pleased to alter them, are so distinct that one need only read them to know what is just on this head. It is a general, adopted principle, that the *prosecutor* must prove, as is also found in the Title of the *Pandectem de Edendo*, where it is clearly said, and applying the same to the reclamation of liberty it must of course find room here, as is stated in Lo. 7, Par. 5. From which, if made applicable to the present case, it would follow that the slave Clasina, reclaiming her own freedom and that of her descendants, ought to become the claimant and take upon herself the charge of producing proofs; whereas Mr. Truter, if Clasina had found herself *bona fide* free, desiring to reduce her to slavery, would be obliged according to the same law to step forward as the claimant and to

prove his claim. In the same manner does the Emperor Alexander express himself in Lo. 5, viz. *Probationissane*, which word we cannot otherwise translate than by *Trouwens*. . .

In opposition to this it might be said that slavery is a state contrary to the laws of nature, and even according to the very same Roman laws, so that a person who takes for his basis a right which he has received from nature, could not be obliged to prove the freedom given him by nature, but though this philosophical opinion of some lawyers has had no influence on the Roman Justice, it is not the duty of a judge to employ himself in deciding abstract and philosophical opinions, but he is bound accurately to follow the strict meaning of the legislature, and to pronounce his judgment accordingly.

He can do this with so much the more certainty because he finds slavery as a fact existing in the infancy of mankind, adopted by all nations of the old world, extended and limited by laws, so that not only examples of it are found in the most humane laws of Moses, but even in the time of Abraham.

2. As thus the reclamer of freedom must prove his right, the undersigned will investigate into the nature of those proofs ; the freedom must now be proved 1st by documents which the defendant is obliged to produce, 2ndly by witnesses who are opposed to documents which are lost and to arguments, and finally 3rdly by proper arguments and presumptions.

3. In how far did the memorialist prove under these circumstances ? As to this, it is certain that the memorialist to prove her freedom did not produce witnesses, nor did she bring forward anything else to support her assertions. It is however true that as far as regards the documents memorialist has referred to two letters which she states to have received from her mother from Holland, but besides that these letters are lost according to the memorialist's own statement, the same did not contain anything relating to her freedom according to her curator Mr. J. H. Neethling's assertion, and even if they had been written according to her statement, it must have been by a person whose evidence would not be exempt from the most just suspicion.

As to what relates to the arguments and presumptions, though the memorialist has first stated, and afterwards retracted, in the memorial addressed to His Excellency, that her parents were free people, but if even she had not retracted, this assertion being

proved, it would be decisive with regard to Kaffers, Hottentots, and other free nations, but with regard to the natives of Bengal, where slavery is known, at least has been known, in the Dutch possessions, it cannot have that force.

That the receiving of the holy baptism, to which the memorialist also refers, gives her no right to freedom.

Firstly, because slaves of a Christian master do never obtain their freedom by baptism . . . , and secondly because the Statutes of India dictate just the contrary, not to mention the usage in Europe with respect to fellow Christians, who though not actually slaves, are far from being free, and are kept in a servile state. . . .

That though the donation of a free minor as a marriage gift is stated not to be prejudicial to liberty, the reporters could not however apply this law to the present case. Firstly because the minority of memorialist whenshe was given away is not proved, secondly because the proofs of liberty supposed to be maintained by law are not only at once deficient here, but also all apparent presumptions, if there are supposed to have been any, are so much weakened in consequence of the long silence of the memorialist and the credit as well of the donor as of the present possessor, and to which never any doubt was attached, that it cannot be considered otherwise than as imaginary.

On account of what has been aforesaid, the reporters are of opinion that the request of memorialist relative to her case cannot be accorded, and having produced no proofs of her freedom, she can make no claim to the liberty as well of herself as her descendants, it having appeared to the reporters that in regard to the sales made, that the respective masters and mistresses of the memorialist's descendants had power to alienate on account of their bad behaviour. The reporters however submit their opinions to the better and more enlightened judgment of the Court.

Transmitted to the Court of Justice at the Cape of Good Hope,
2nd January 1812.

(Signed) L. C. H. STRUBBERG,
 G. BEELAERTS VAN BLOKLAND,
 Secretary.

[Copy.]

Report of the Commission of Circuit for the year 1813.

To His Excellency SIR JOHN FRANCIS CRADOCK, Knight, &c.

SIR,—Your Excellency having been pleased by written mandate under your Hand and Seal, dated the 18th August last, issued to the undersigned, in order agreeably to Government Proclamation of the 16th May 1811, to constitute a Commission for administering Justice in the respective Districts of Tulbagh, Graaff Reinet, Uitenhage, George, and Swellendam, the undersigned, in compliance therewith, commenced their journey from Cape Town on the 18th October last, and having that day passed the Berg River at the old Sand ford, between the flying bridge and the burghers ford, they the following day crossed the Koopmans River (which is the line of separation between the Districts of Tulbagh and Stellenbosch) and proceeding over the Roode Zands Kloof and the little Berg River, which runs through the same, arrived that day at the drostdy of Tulbagh, where they opened the session on the 20th, and in consequence partly of the duties of the Commission not being very voluminous there, and partly through the absence of a principal witness, who resided some days journey from the drostdy, the Commission was enabled to depart from thence on the 23rd following, and continued the journey over the Waterfalls, the Breede, and the Waggonbooms Rivers; thereupon through the Gaudine, over the Kleine Waay Hoeks River, some branches of the Hex River, and then the Hex River itself. On the 24th day they passed the Hex River Kloof, and again some branches of that river and the Wolve drift. The 25th the Hex River's mountain, the Sraats Kloof, the Touw's River to the Draay. The 26th the Pienaars Kloof, the Wolve Kops River, the Pattattas Fontein, to the Drie Koppen, being the abandoned place of Hermanus Potgieter.

On the 27th the undersigned arrived at the Zoute Kloof, being a grazing place of Jan Snyders. The 28th they passed the Buffels River, the Geelbek's Fonteins Hoogte, the Geelbek's Fontein itself, and the Kleine and Groote Canon Fountains. The 29th a branch of the Bloede River, then along the river, and thereupon the river itself, and over the so called Uitkyk to the Dwykas River.

On the 30th the Commission crossed several Branches of the Dwyka, and afterwards the river itself, and then the Waggon-makers Kraals River; thereupon they passed the Carbonatjes Kraal, and the Paarde Bosch, being the uitspan place at the Dwyka, by the Buffels Valley, and over the Van der Byls Kraal's River. The 31st the Rietpoort and Wilgebosch Rivers, and the Matjesbooms valley. On the 1st November the Commission crossed the Cobus Louws, the Hottentots, and Galkraals Rivers, then the Palmiet Fontein, the Kleine Leeuwen River (being the line of separation between Tulbagh and Graaff Reinet) and the Sand River. On the 2nd along the Nieuwvelds Mountains to the place of Christian de Klerk, named the Groote Fontein, over the Sols River, and thereupon the Gamka or Great Leeuwen River to the place of Abraham de Klerk, named the Twee fonteinen. On the 3rd they passed the Platboom River, the Rhinoceros Kop, and the Rhinoceros River. The 4th the Zoute River, the Harmen's Poort, the Buffels River, and the Careebosch to the place of Willem van Heerden, named the Brakke valley. The 5th the undersigned crossed the Buffels River to the Sneeuwberg, and having passed the two fords of the same, the Waterfall, and so down the Sneeuwberg over the Zondag's River, they arrived on the evening of the 6th at the Drostdy of Graaff Reinet, where they opened the Sessions on the 8th following.

Having closed the proceedings at this drostdy, the Commission recommenced the journey on the 17th, continuing their route over the Zondags River, past the Kruid Fontein (being a bath) thereupon the Vogel and Blyde Rivers, and so over Bruyntjes Hoogte (where the district of Uitenhage commences) along the Boschberg over the Little Fish River, through the so called Poort, over the Fish River's Mountains (where the Zuurveld, now called Albany, begins) and arrived at Grahams Town on the 21st, where they rested for one day, as well for the purpose of viewing the town and its agreeable environs, as also because the relays, which had been required a day later, were not in readiness. On the 23rd the Commission left Grahams Town, and having passed the Nootoe, the Molen, and Assagaay Bosch Rivers, they arrived the same evening at the Assagaay Bosch, where being informed that Your Excellency and suite, conducted by Colonel Cuyler, the landdrost of Uitenhage, were to be at the Ford of the Bosjesmans River, named the Rautenbachs Ford, that evening, the Commission in

order to be assured thereof, so as to regulate their route the following day, as well as to have the pleasure of meeting Your Excellency, and also to inform the landdrost of their approach, dispatched a letter the same afternoon to the landdrost, but without the wished for success, the Commission being informed the following morning by the return of the express, that Your Excellency had left that place the day before. The Commission however on their arrival at the Ford received a letter from the Landdrost Cuyler by the field cornet Fourie in answer to theirs of the evening before, informing them that as his presence was requisite on your Excellency's journey through his district, the secretary, Mr. Berg, was specially qualified by your Excellency to act as public prosecutor in the cases which were to be brought before the Commission at that district.

Having obtained this information, the Commission continued their route through the Coegas and Nonoagas Plains, over the Adow or Heights of Zondag's River, along the new road in the forest formerly occupied by the Caffers, further crossing the Upper Adows Ford in the Zondags River, and having thereupon passed the Doegahanimas Kloof, and the Coegas River, they proceeded over a height named the Coegas Height, and arrived on the evening of the 25th November at Uitenhage.

The following day the Session was opened, when Mr. Berg the secretary produced to the Commission the authority given him by your Excellency to act as public accuser in the absence of the Landdrost, which function he entered upon accordingly, after having previously taken an oath before the Commission expressly framed for that purpose.

The business being concluded at this drostdy, the Commission left the same on the 3rd December, and the same day passed the Zwartkops River, the Kaugas plain, the Brakke and Van Stadens Rivers; the 4th Van Stadens Hoogte, the Galgebosch, the Loerie River, and a height named after it, the Loerie Rivers Hoogte, and arrived that evening at the Gamtoos River. The Commission passed that river on the 5th by a ford named the Commando's Ford, and thereupon proceeded through two Kloofs, the one named the Zoete, and the other the Grass Kloof. On the 6th they passed the Karbonaatjes Kraal's River, being in fact a passage above the Deep River; thereupon the Deep River's Hoogte, Essen Bosch, along the Kromme River, and the mountains of that name.

Having passed the Kromme River several times, on the 7th the Commission arrived at the Kromme Rivers Hoogte, which forms the line of separation between the drostdies of George and Uitenhage, and came to the Lange Kloof, from whence they proceeded over the Kronkel and Wagebooms River, and on the 8th the Aapjes, the Kleine, the Roode Krans, and the Groote Rivers, the passage through the latter being named the Riet Valley; the Commission on the 9th passed the Keurbooms, the Diepe, the Kleine, the Molen, and the Ganzekraal Rivers, and also a branch of the Brak River; and on the following day over the Schoonberg, round the Devil's Kop, down the Lange Hoogte, over the Buffels Kop, through the Little, and then through the Great Forest into the Auteniqua Land, and finally having passed the Trakada Kouws, and Little and the Great Kaymans and the Zwart Rivers, the Commission at last arrived at the Drostdy of George. There the Session was opened on the 12th December, and the business being concluded, the Commission departed from thence for Swellendam on the 17th, and having that day passed the Coajans and the Nitzikammas Rivers, and then the Groote and Kleine Brakke Rivers, they at length crossed the Kleine River.

On the 8th the Commission visited Mossel Bay, on which occasion they passed the Hartenbosch River, and having left that place the same morning, they proceeded over the Stink and Gourits Rivers (which last mentioned divides the drostdies of George and Swellendam). The Commission on the 19th crossed the Zoetemelks, the Kaffer Kuils and the Vet Rivers; and having proceeded over the Kraggas Hoogte, and thereupon through the Krombeks, the Duivenhoks, the Doorn, the Slang, Karnmelks, Rietkuils, and Buffeljagts Rivers, they the same evening arrived at the drostdy of Swellendam. The Commission opened the Session there on the 21st December, and the proceedings being terminated they commenced their journey thence on the 27th following, and having that day passed the Poespas Valley, the Klip, the Leeuwen, the Breede, the Korte, and the Quassedas Rivers, they proceeded along the River Zonder End.

On the 28th the Commission crossed the last mentioned, as also the Bosjesman's River, and a branch of the Baviaan's River, and arrived about 10 o'clock in the morning at Genadendal.

The Commission visited the Institution here, not merely to satisfy their curiosity, but principally with the intention to prose-

cute the investigation of the case marked No. 3, on the criminal list of Swellendam, and which was postponed at that drostdy in consequence of some persons who lived at that Institution, and whom it was necessary to examine as witnesses, not being present at Swellendam, and which could not have been provided against, because their evidence did not appear necessary before the examination was commenced by the Commission, and the investigation being accordingly prosecuted there by the landdrost before the undersigned, the same was terminated as will appear to Your Excellency by the list of the different cases hereunto annexed.

This proceeding being concluded, and the Commission having viewed the Institution, they left that place the same day, and having passed an arm of the River Zonder End, and afterwards the river itself, they arrived that evening at the deputy drostdy Caledon (formerly called Swarteberg). The principal object in visiting this drostdy was business, because that the secretary there, as well as all the secretaries of the other drostdies, are qualified to act as notaries; that also a prison has been established there, and different acts might have been committed there, the examination of which had been either specially charged to the Commission by the Proclamation of the 16th May 1811, or which they could not well pass over agreeably to the spirit of that proclamation; the undersigned therefore the following day examined both those departments, as will appear to Your Excellency on the further perusal of this report, from the reflections which they conceived themselves obliged to make on that drostdy. The Commission pursued their journey thence the same day, and continued their road over the Lange Hoogte through the Bot River, a branch of the Houwhoeks River, across the Palmiet and Steembrasems Rivers (the latter mentioned being the separation between the drostdies of Swellendam and Stellenbosch) to the other side under the Hottentots Hollands Kloof; from whence having departed the following day, they after passing the Laurens and Eerste Rivers returned to town on the evening of the 30th December; the lists of all the different drostdies having contained forty-three cases, which were brought before the Commission.

I.—ADMINISTRATION OF JUSTICE.

1st. *Manner of proceeding.*

It needs no demonstration, because every one too well feels and must acknowledge that your Excellency's Proclamation of the 25th September 1813, by which the publicity of the trial of both criminal and civil cases has been extended to all the Courts of this Settlement without exception, is a measure so really beneficial, that it cannot be sufficiently acknowledged by the Colony, and which general public mode of proceeding cannot fail on the one hand to produce a like extended confidence by an impartial trial and speedy termination of the different cases, and on the other hand to imprint on the minds of all a due respect for the observance of the laws, by being eye and oral witnesses of the strictness with which the transgressions of the same are traced, even to their most secret hiding places, discovered, and in an adequate manner punished, so that public trial is a well adapted means even to restrain those who may have any inclination to do evil, and therefore produces this most beneficial effect, the *prevention of crimes.*

In the meantime the Commission must request your Excellency's excuse for not having observed this part of the Proclamation of the 16th May 1811 in the trial of a case of calumny on the Criminal list of Graaff Reinet, sub No. 4, but they were compelled thereto by the peculiar nature of the case.

The crime of the Hottentot accused arose from the *Crimen Nefandum* with which he had falsely charged two sons of one Zwanepoel, and it was only for precaution that the investigation thereof was made with closed doors, because the Commission not being able to foresee that the accused would be brought to the confession of the falsity of his slanderous charge, were apprehensive that he might on that occasion again express himself on that subject; but as soon however as his examination was closed, and nothing indecent appeared therein, the doors were thrown open, and the whole proceeding again gone through in presence of the prisoner and the public. The undersigned therefore hope that your Excellency will be pleased to approve of this deviation, as being caused by necessity.

On the investigation of the case of Willem Nel, which appears on the Criminal List of Uitenhage sub No. 1, an observation

occurred to the Commission respecting Art. 2nd, Let. D, of the Proclamation of the 16th May 1811, which they take the liberty to state to your Excellency. In the said 2nd Article it is positively prescribed that, when after a full investigation it appears that the crime committed is subject to the punishment of death, in such case the same shall be referred to the full Court, and there at the suit of the competent prosecutor, be tried and final sentence passed, whereby the prosecutor of the district cannot be allowed by the Commission to make his claim against the accused; the consequence of this is, that if one wants to give a criminal the opportunity of defending himself against the claim of the prosecutor, it becomes necessary to send the prisoner sometimes from the most distant district, as in the present case of William Nel, to Cape Town, and have him brought back again on final sentence being passed, in order to the same being carried into execution. This occasions real inconvenience and every delay in the termination of such cases, which just in consequence of their importance cannot be too speedily brought to a conclusion, as well because that the Court should be enabled as soon as possible either on the appearance of the prisoner's innocence, or of the necessity of his confinement ceasing to set him at liberty, or on the other hand, the crime being fully proved, to proceed to punishment without delay, and thereby not frustrate the principal intention thereof.

The best method to remove this inconvenience, as well as the delay in the termination of trials for capital crimes, appears to the undersigned to be to extend the criminal jurisdiction of the Commission of Circuit, and consequently to grant them authority, the same as in all other cases, to proceed to sentence, under this restriction, however, that either all such sentences in general, or those only which have been adjudged on confession (because that a prisoner in the latter case cannot bring forward his defence, should he have any to make, by means of an appeal, but only by way of suggestion) should be submitted to the revision of the full Court; and this restriction the Commission themselves deem necessary, in order to give them confidence in cases where they might be under the necessity of pronouncing sentences of death, although it is not to be supposed that any Commission for administering justice would proceed to pronounce such sentence in which no less than the life of a fellow creature is at stake, if the crime were not fully proved, and the application of the punishment

not doubtful; but would much rather avail themselves of the 43rd Art. of the said Proclamation; unless it may appear more advisable to your Excellency to give such extension only to the power of the Commission, namely that in the above mentioned cases the prosecutor should alone proceed, there being grounds for so doing, either on confession, or non-confession, to make his claim before the Commission, with further reference of the case to the full Court. In the meantime, whichever of those propositions may appear most eligible to Your Excellency, it is necessary that the 31st and 32nd Articles of the Proclamation of the 16th May 1811 should be made applicable to all such cases, in order thereby to afford a prisoner accused of a capital crime the same right which is allowed by those Articles of the Proclamation to a lesser criminal.

Another reflection has occurred to the undersigned with respect to the execution of criminal sentences pronounced either by the Commission itself, or by the full Court, in cases prosecuted before the Commission, but referred to the Court according to law, namely that the object intended by the 35th Art. of the said Proclamation of the 16th May 1811, in having such sentences executed at the residence of the Landdrost under whose district the crime has been committed, is by far not, nor cannot, on the present footing, be attained, because that only a very trifling part of the inhabitants, namely, those who reside at the drostdy, can have any knowledge of an intended execution, while the remaining part of the whole district remains ignorant of, and consequently cannot witness it. The undersigned have deemed it necessary to submit to Your Excellency's consideration whether the utility of the public punishment of crimes does not require that a greater publicity should be given to the execution of criminal sentences in the Country Districts, which, in their humble opinion, could be very properly effected in this manner: that the landdrost of the district where an execution is about to take place should give previous information thereof to the field cornets under him, with order to communicate the same to every family residing under the respective wards, and that the landdrosts should assure themselves of those directions having been duly complied with; and in order to prevent that a prisoner sent from town should be thereby kept too long in confinement previous to the execution of his sentence, it would be only necessary that the secretary of the court here should

give timely notice to the landdrost of a prisoner's departure from town.

A third observation has occurred to the undersigned respecting the summonses or citations which the district clerks are obliged to forward in Civil cases, and which is this : By the 17th article of the instructions of the district clerks, they are obliged to send off the citations to the complainant or plaintiff, defendant and witnesses, as soon as they are informed by the secretary to the Commission of the time when the session is to be opened, while by the 20th article of their instructions, and by the 11th article of the Proclamation of the 16th May 1811, it is prescribed that all summonses and citations shall be served at least five days before the day of appearance. When now we take into consideration that however expeditiously the districts clerks may be informed by the secretary of the Commission of the intended opening of the session, such information when it is made in the ordinary manner through the medium of a letter cannot come at the knowledge of the district's clerk at best more than five days before the opening of the session, so that if the district clerk proceeds even immediately in dispatching the citations, they cannot well be served five days before the time of appearance, and especially not on those who reside at a great distance from the drostdy. In the meantime the citations not being served agreeably to the requisites of the law, no default can be granted against the non-appearers, a thing which consequently retards the termination of the case, to the very great prejudice of the interested parties.

The only remedy to prevent this, which occurred to the Commission, that might perhaps be adopted with any success, is this, and which the undersigned therefore take the liberty to submit to your Excellency's more enlightened judgment, namely that in future as soon as the respective district clerks should be informed, through the medium of the weekly *Gazette*, of the time of the departure of the Commission from town, they should send off all their summonses with the dates blank, for as far as they are to be served at any considerable distance from the drostdy, to all field cornets under whom any of the persons so to be summoned reside, with directions to keep the citations in their possession till they may be informed of the approach of the Commission, then immediately to serve them with the date of the day on which they were served, and thereupon to return them with their reports to

the districts clerk as speedily as possible; when in addition to this the secretary to the Commission as soon as he perceives from the lists of the different causes, the probable time of the session being closed, and consequently the apparent day of the departure of the Commission, takes care to forward an open order from field cornet to field cornet requiring the necessary relays of cattle, and at the same time giving notice of the probable day that the session will be opened at the following drostdy, then the field cornets without waiting for any further directions from the district clerks, by which much time would be saved, could immediately proceed to serve the different summonses in their possession, and there-upon return them with their reports time enough, and should there be any persons among those to be so cited, whose field cornet did not live in the route of the Commission, the summonses for such could be sent off by the districts clerks, at the same time as the others, to the field cornet in the route, who lived nearest to the other, so as to be served by him in like manner, on information being received of the approach of the Commission. In this manner the undersigned are of opinion that the summonses would be served much more speedily, and consequently more conformably to the laws, so that the Court would very seldom, or never, in case of non appearance, be prevented from granting the necessary default, through the citation not being duly served; while also the dispatching of open orders for the requisite relays of cattle would considerably tend to promote expedition in the journey of the Commission, which the undersigned experienced by the adoption of such measures.

The same regulation, prescribing the serving of the citations five days before the opening of the session, also drew the attention of the undersigned with respect to that part of the 17th art. of the instructions of the districts clerks, by which the messenger of this drostdy is alone authorized to serve the summons on the plaintiff or claimant, on which point the undersigned beg leave to remark, that thereby essential inconvenience can be frequently occasioned in the trial of such causes, as those in which he has to summon more than one plaintiff, and especially when the one lives at a distance from the other, whereby he is not well able to summon them all in due time. To remedy this, the undersigned are of opinion that the serving of such citations should not be exclusively committed to the messengers, but that in like manner as the

others for the defendant and witnesses, they should be also served by the respective field cornets under whom the plaintiffs reside, in order thereby to enable the messenger in such cases, as he cannot well serve all the summons, to avail himself of the assistance of the field cornets.

2nd. The Landdrosts.

Of all the drostdies which the undersigned visited, they must declare that they found the different departments of George in the best order and regularity, which they conceive principally to be attributed to the unanimity and harmony that subsists between all the classes of the Government's servants there, from the highest to the lowest; whereby everyone feels it, as it were, his own interest to do all in his power to promote the general order of things. One thing which undoubtedly considerably contributes thereto is that all the employees there transact their business in one apartment, under the immediate eye and superintendence of the landdrost, a thing which for that reason and also for the greater convenience of the inhabitants who have anything to do with them, is to be wished was the case in all the other drostdies.

On examining the proceedings of the different drostdies, it also appeared to the undersigned to be necessary that every landdrost, on the arrival of the Commission of Circuit, should be duly informed, as well by his deputy as by his field cornets, of every thing which had been done by them, respectively, throughout his whole district, in order to afford the Commission as great an insight as possible into the conduct of every person in office, and for which reason the undersigned, when they were at Caledon (formerly Zwarteburg) examined all the departments of that deputy drostdy, which is a thing cannot be well effected at those situated far from the route of the Commission.

With regard to the duties of the landdrosts in their capacities as public prosecutors, the undersigned must avow that they have not in general, in conducting their prosecutions, that experience and knowledge of the Proclamation of the 16th May 1811, which is to be wished for, and which after that two Commissions have been there, might have been reasonably expected; so that a serious recommendation from the part of Government to exercise them-

selves in that important part of their official duties, would not be entirely useless. The undersigned, as the best adapted means to obtain this point, recommend to them a continual examination of the records of the causes already tried, accompanied with a zealous and scrutinizing study of the said Proclamation. It would possibly much facilitate the landdrosts in the acquirement of the necessary judicial knowledge, if the Proclamation by which the rules they should observe are presented, was divided, and each particular point classed under a separate head, whereby they would obtain a more easy insight and better conception of the same.

3rd. Landdrost and Heemraden.

The records of those boards for as far as they relate to the civil proceedings, the undersigned examined, with the greatest possible attention, in order, as well to see if the different causes were conducted in a proper manner; and if perhaps there were any cases among them in which the Commission might deem it necessary to have recourse to the right of evocation, granted them by Your Excellency's Proclamation of the 3rd September 1813, as also to be assured that the regulations laid down in the 131st Art. of the instructions for the Government of the country districts, prescribing the time for the termination of cases by that board, is duly observed; on which occasion however no particular reflection occurred to the undersigned, excepting that they found one case at the Drostdy of George and another at Swellendam undecided, notwithstanding that the limited time was, although not long, expired; on which subject the Commission were informed that the reason of the decision being retarded was owing to some of the witnesses residing a great distance off, and also that further information was expected from another drostdy, but that the necessary steps should be taken by the first opportunity towards obtaining the same as speedily as possible.

With respect to the jurisdiction of that board, so as it has hitherto been exercised agreeably to the instructions for the Government of the country districts, the undersigned take the liberty to submit one remark to your Excellency's consideration, which in their humble opinion strongly recommends the extending of the same. When we consider the 126th Art. of the Instructions, by which the cases belonging to the jurisdiction of that Board are

specially prescribed, and also the 151st, 152nd, 153rd and 154th articles, it will soon be discovered that their jurisdiction in criminal cases, that is such which involve the transgressions of the laws, does not extend further than the taking of preparatory informations, and the summary examinations of the prisoners at the requisition of the landdrost, as the public prosecutor, but that the further cognition and decision remains exclusively reserved to the Court of Justice, so that even the smallest transgression (for which whether a trifling pecuniary penalty is prescribed by the law, or no positive punishment expressed, nothing however than a trifling pecuniary punishment can be inflicted) must be prosecuted and decided by the Court of Justice only in Cape Town, with the exception of some few cases, for which is otherwise specially provided ; such as the Proclamation of the 16th July 1806, and others, the consequence of which is, on the one hand, a considerable delay in the termination of those cases, which mostly regard the police, and which, because that such trifling transgressions frequently cause a disturbance in the daily order and regular course of things in a whole district, cannot be too speedily restrained by proper correction ; and on the other hand great expence occasioned to the accused, especially when he is obliged expressly to come up to town from a far distant district, and which costs often amount to double the sum of the penalty prescribed, so that he becomes infinitely more heavily punished than his transgression deserves, and the will of the legislator expresses. This latter objection appears to have been felt in framing the instructions for the Government of the country districts, to which it can be alone attributed, that the landdrost, by the 71st Art. of his Instructions included therein, is allowed the power to compromise small offences on his own authority to the amount of Rixdollars 50, this right of compromise however in the meantime, especially when it can be done at discretion although limited to a small sum, appears to the undersigned to be a measure too well adapted to give rise to vexation and concussion to allow its longer continuance ; besides also that all composition as the affluent only can avail themselves of such, is a partiality in the execution of the law and contrary to the law itself, which should equally extend to all, and which therefore should be entirely banished from the administration of Justice. The undersigned conceive that they act agreeably to the spirit of the said instruc-

tions for the country districts, in proposing to Your Excellency to annul the abovementioned 71st article of the Instructions for the Landdrost, and instead thereof to extend the jurisdiction of the Board of Landdrost and Heemraden to all such offences, against which either a penalty not exceeding Rds. 50 is prescribed by the law, or which may be found of such a nature that a like or lesser pecuniary penalty should be inflicted; leaving however the accused at liberty the same as in all other sentences of that Board to avail himself of the means of appeal, agreeably to the 138th article of the said Instructions; and this proposal the undersigned are humbly of opinion is not subject to any objection, because that the reasons which may have induced the legislator in the framing of the Instructions, to limit the jurisdiction of the Board of Landdrost and Heemraden do not longer exist, now that all the Country Districts are under the vigilance and control of an annual Commission of Circuit; and although the districts of the Cape and of Stellenbosch are not included therein, still however the undersigned do not see any reason, or objection, to extending their proposition to both those districts, because that at all events the road of appeal to seek for redress always remains open to an accused party, who may consider himself aggrieved by a sentence.

4th. The Secretaries.

On investigating into the duties of the secretaries of the respective districts, (those of the secretary of Caledon included) the undersigned found a few omissions among some of them, of which they recommend the necessary redress, as well as the observance of some points of order, in which respect the Commission kept in view to establish, as far as possible, an uniformity in the duties of that department, in each drostdy; they especially examined those Notarial Acts at Graaff Reinet which at the time of the preceding Commission were not duly covered with stamps, which they found in proper order.

For the rest, the undersigned take the liberty, with respect to the duties of those gentlemen, to refer to what they have already recommended under the title of Landdrost, namely that they should be carried on at all the drostdies, without exception, in one apartment especially established for that purpose, under the more immediate eye and superintendence of the respective landdrosts.

5th. Districts Clerks.

Respecting the duties of the districts' clerks in general, the undersigned have not any particular reasons for complaint, although certainly a recommendation to them to make themselves more and more acquainted with the duties which they have to fulfil, would not be entirely useless, and especially with regard to the district clerk of Uitenhage, who above all the others requires a most serious recommendation on this head. The undersigned have already on their part not neglected to observe to them the importance of their duties, as being charged with the preparation of all the civil cases to be brought before the Commission, of which they seem to be so well convinced that nothing more than a further recommendation will be necessary to induce them all, without exception, to act in such manner in future that one will have every reason to be satisfied. It certainly would facilitate them in the observance of the several duties they have to fulfil if the Proclamation of the 16th May 1811, as also their special Instructions, were formed in the manner already suggested.

6th. The Inferior Officers of Justice.

Undersheriff.—The Commission have not any reason to speak unfavorably of those officers at the Drosties of Graaff Reinet, Uitenhage, and George, as it appeared to the undersigned that they acted agreeably to the several duties with which they are charged. A like avowal the Commission cannot in conscience give with respect to the Undersheriff of Tulbagh, whose register of the prisoners, instead of its being correct, as it ought to be, agreeably to the 314th Art. of his Instructions, was so incorrect and confused that the undersigned were under the necessity of calling for the attention of the landdrost, who is obliged, the same as with respect to all the other inferior officers, to keep an eye over the undersheriff's conduct on this point, and also to recommend him to cause that register to be put in order, under his own immediate superintendence.

With regard to the undersheriff at Swellendam, the Commission during their stay there received an unofficial information that he had some time before been guilty of gross ill-treatment to the son

of the widow of the late Pieter van der Riet, named Petrus Albertus, on the occasion of his being confined in stocks in the prison there, pursuant to a sentence of the preceding Commission of Circuit. This information was given to the undersigned by the mother herself, with a positive request however not to consider it as an official information, much less as a complaint, for that having spoken to the landdrost about it, he acquainted her he had already suspended the undersheriff in his office, and had given information of the circumstance to Government and expected an answer, and that she therefore for the present wished to acquiesce therein. But however unofficial the Widow Van der Riet wanted to have this communication considered, and provisionally to be satisfied with the steps taken by the landdrost, the undersigned notwithstanding conceived they should not let the circumstance pass entirely unnoticed, but inform themselves on the subject from the landdrost, who thereupon acquainted them that the ill-treatment was committed during his absence from the drostdy, that he had immediately suspended the undersheriff from his situation, and reported the business to Your Excellency, and was only waiting for an answer in order thereupon to act accordingly.

The very great negligence which the Commission are sorry to say they found in the conduct of the undersheriff at Tulbagh, particularly attracted their attention to that part of the Instructions for the undersheriffs of the country districts, by which they are charged when a runaway slave has been brought to prison to give information thereof as speedily as possible to the owner, on pain of being responsible for all the bad consequences which may result from neglecting to give such information, which Art. 323rd of said Instructions prescribed. This article appears to the undersigned only to allude to the responsibility of the undersheriff for as far as regards the owner of a slave, who not being duly informed of the confinement of his slave, and therefore not able to liberate him, may thereby suffer much loss by his long detention. But as there is at present a certain time prescribed within which the civil prisoners must be released, the responsibility of the undersheriff should be made to extend further, as now not only the owner, but also the Government, is interested in the detention of such prisoner, and it is principally for this reason, and for the interest of the case itself, that the undersigned feel themselves under the necessity for the better security of the existing orders in

this respect being punctually complied with, to propose to Your Excellency to transfer that part of the duty of the undersheriffs to the landdrosts themselves, and to oblige the latter, when they are informed by the undersheriffs, agreeably to the 324th Art. of their Instructions, of the imprisonment of a slave, to acquaint the master or mistress through the medium of the field cornet of the district if residing under the same, and should they reside elsewhere, by letter to the landdrost of such district, or if the owner might be unknown, in such case to advertize an accurate description of the slave the first opportunity in the Cape *Gazette*; but at all events whenever a month might elapse without such detained slave being liberated, then to apply to the Worshipful the Court of Justice, stating what steps have been taken to inform the master or mistress of the imprisonment of their slave, in order to receive the necessary directions how to act further. If this now be duly observed, it will then not be necessary for the landdrost on his own authority, either for the sake of mitigating the confinement, or of lessening the expence to the master, to place such slaves as have been kept in prison longer than the limited time, in any other than the usual apartment of the prison, a thing which, with respect to all prisoners, should be strictly prohibited, so as to prevent any of them being put out of the way on an examination of the prison; and in order the better to enable the Commission of Circuit to inform themselves about every prisoner, the landdrost should take care to deliver to them, under his signature, an accurate list of all those who might be in confinement at the time of the Commission being at the drostdy.

Police Riders and Caffres.—At Uitenhage there is the greatest want of both, and especially of Police Riders, of which latter there was only one at the drostdy on the arrival of the Commission, and at the other drostdies the necessary Caffres are deficient, which want, besides that it prevents the police being properly maintained, calls for redress, not only as to the infliction of the daily domestic punishments, but especially with regard to the execution of criminal sentences, consisting in corporal punishment.

The undersigned also observed at Graaff Reinet, both with respect to the Police Riders and the Caffres, that not any of them were properly provided with sabres, which is however directed by the 303rd Art. of the Instructions for the Government of the country districts, and which is also necessary; the reason thereof

the undersigned believe to be that the landdrost is not instructed how the costs thereof are to be defrayed, because that the 300th Art. of the Instructions only speaks of their clothes and further subsistence, which must be paid out of the treasury of the district; but the undersigned do not see any reason why the expence of sabres, which is only for once, and cannot be of any great importance, should not likewise be furnished from the district's treasury.

7th. The Prisons.

Those of Tulbagh, Uitenhage, George, and Caledon the undersigned found in order, although at Uitenhage and Caledon they are too small, but which, as the Undersigned were informed, are shortly about to be enlarged, while the new prisons building at the Drosties of Graaff Reinet and Swellendam are already far advanced; that of Graaff Reinet in particular requires every dispatch, because that the old prison, which is still made use of for a place of confinement, is in every respect inadequate to that purpose.

On Examination of the prison books or registers in which the names of the prisoners are entered, the Undersigned found at Tulbagh, besides the negligence and inattention of the undersheriff already mentioned, that a slave named Moses, belonging to Jacob Villiers, and confined there as a runaway, had been released after a long detention, and that another slave, named January, also brought up and confined there as a runaway, had actually been imprisoned there for not less than four months and a half; the Undersigned did not fail of enquiring into the reasons thereof from the landdrost, who thereupon said that they both continually gave in different names of their masters, whereby the owners could not be found out, and that such was then the case with the slave January, but that he had already given directions to have him advertized in the *Gazette*, and which being done accordingly, the owner of January was since found, who speedily released him from his confinement.

In the books of the prison at Uitenhage, the undersigned observed, that two soldiers of the 60th Regiment had been entered therein, as confined by order of Colonel Vicars on a charge of making false money, but again released, without it having appeared to the Commission if any or what steps had been taken

therein, neither could the Undersigned, in consequence of the absence both of the landdrost and of the Commissary Colonel Vicars, obtain any information on the subject.

In the prison book of Caledon the Undersigned observed that a slave named October, who had been already discharged, was punished by directions of the deputy landdrost, with a far greater number of lashes than is allowed by order, in consequence of which the Undersigned did not fail to question the deputy landdrost on the subject, who had not any thing to allege in his justification, but only produced a letter from Government in which the same reflections were made and his conduct animadverted on in consequence.

8th. District Surgeons.

With those the Drosties of Tulbagh, Swellendam, and George are provided, and according to what the landdrost of Graaff Reinet said, one was also speedily expected there; but Uitenhage is totally devoid of any such person, although at the time the Undersigned were at that drostdy, there was a military surgeon belonging to the Cape Regiment, and as it is probable that a military medical man will continue there, it would only be necessary that he should give his assistance in any judicial cases which might occur.

9th. Arrangements.

On investigating the arrangements made by the parties in cases which had been entered in the registers of the districts' clerks to be brought before the Commission, in that of Uitenhage the Undersigned found that it was only stated in general terms, under each of the cases so arranged, that the parties had amicably settled their differences, without making any mention of the points of the same, so that the Commission were therefore unable to judge of the manner of the arrangement in order to confirm the same by their decree, by which means it depends alone on the good will of the parties to comply with the agreements they have entered into, because, if such should not be the case, there is no means, if a decree of the Commission be wanting, to compel the parties by law to the due performance of their promise. The Undersigned did not fail of representing to the districts' clerks the consequences

of this inattention, and they therefore hope that in future no such reflections will be necessary on this subject.

10th. Complaints of Hottentots and Slaves.

Besides three complaints of the ill treatment at Swellendam, namely one of a Hottentot against his master, another of a slave against his master, and a third of a female slave against her master, all entered on the criminal list of that drostdy sub Nos. 1, 7, and 8, and a similar complaint of a female slave against her mistress at George, on the list of that drostdy sub No. 5, in all which cases justice has been done, except that of No. 8 on the list of Swellendam, which was obliged to be postponed in consequence of the necessity of examining some witnesses who were not present; no others were brought to the cognizance of the Commission, notwithstanding that the respective landdrosts, on being asked specially, declared that the 7th Art. of the Proclamation on that head had been duly observed by the several field cornets, as a superabundant proof of which the landdrost of Graaff Reinet produced all the written reports of his field cornets, to the Commission.

II.—MORALITY AND REGULAR GOVERNMENT.

1st. Performance of Divine Worship.

The undersigned attended public worship at Graaff Reinet, George, and Swellendam, the service being performed at the two former by the Reverend Messrs. Kicherer and Herold, and at the latter place by the clerk reading a sermon; while the speedy departure of the Commission from Tulbagh, and their short stay at Caledon, prevented them the opportunity of attending Divine Service there; and if they are to judge from the outward appearance of zeal, they cannot do otherwise than speak favorably in this respect of the districts of Graaff Reinet and George, and especially of Graaff Reinet, where the congregation assembled amounted to a very considerable number, but where certainly both the church and congregation are much more extensive than at George. The clergyman Mr. Kicherer performs Divine Service twice on Sundays, besides the meetings he holds on that and other days of the week for the instruction of Christians, Hottentots, and

slaves. This gentleman, who visits every year the whole congregation of the district, on which occasion he likewise performs Divine Service at such places as, from their situation, are best adapted to the purpose of bringing the surrounding inhabitants together, so that through his unexampled zeal (of which the undersigned cannot avoid mentioning a circumstance, that during his residence at Graaff Reinet, which is about eight years, he has confirmed no less than the considerable number of 2000 inhabitants as members of the Church), he continues really to render himself worthy of that praise which the first Commission of Circuit has so justly bestowed upon him.

It appeared strange to the undersigned, when they were at Swellendam, that no public worship was performed there on Christmas Day, and on Sundays the congregation was so trifling that the whole did not amount to more than thirteen persons, so that if we are to judge from this circumstance of the zeal for religion in that district, we certainly cannot say anything very favorable. Probably the reason may be because that the service is not performed by a clergyman, although the undersigned must declare that the manner in which a lecture or sermon was read there does not deserve any animadversion, in the meantime should that be the cause much can be done towards removing it, by having Divine Worship performed from time to time by the clergyman of Caledon, as belonging to the same district.

It is also to be wished that at Uitenhage, till such time as a clergyman can be procured there the Divine Service should be performed at that drostdy, by regularly reading a sermon or lecture; while also the clergymen of Graaff Reinet and George could arrange together to preach there from time to time by turns.

The undersigned cannot conceal that in the consideration of the point of religion, and the performance of Divine Service in this colony, the necessity has appeared to them of establishing an ecclesiastical body under some appropriate title, to whose superintendance the clergymen and the performance of all public worship should be committed.

2nd. Civilization and Instruction of Youth.

It would evince the strongest proof of ingratitude in case the most general and sincere acknowledgements were not rendered to

Your Excellency for the zealous and unremitting endeavours which Your Excellency has so paternally and benevolently employed to provide for this great and important point throughout the whole Colony, there still however exist circumstances which stand in the way of extending instruction, and consequently that civilization which must result therefrom. Among those impediments the want of proper teachers stands foremost. The whole district of Graaff Reinet, excepting the village itself, is not provided with a single one, however anxious the inhabitants there are for the purpose, which can be very plainly perceived from the liberal donations made by them to the funds of the Bible and School Commission. In the Coup likewise, where are a great number of places, there is not one single schoolmaster. The undersigned however saw with much satisfaction from an advertisement of the School Commission in the Cape *Gazette* of the 20th January last, that measures had already been taken to provide, as far as possible, for this great want in future. In those districts even, where schoolmasters are to be met with, they do not answer the intention; and the undersigned at more than one place met with teachers whose pupils consisted in only an insignificant number; the great distance of the places from one another certainly tends to cause this, by rendering it impossible to send the children daily to school. This could perhaps be provided against by making an establishment at the place where the schoolmasters are, in which the scholars could be provided with board, lodging, and instruction at the most reasonable rate possible; but against this the undersigned remarked that much prejudice existed, which cannot be removed from the minds of the parents without difficulty; they would be rather inclined to place their children at school if the schoolmasters had their own habitations and did not live at the houses of one or other of the farmers; jealousy seems also to contribute thereto, without their perceiving that in the placing of the schoolmasters no idea was in view of giving one inhabitant the preference above another, but that local situation and the greatest possible convenience were alone considered, in order to afford the best opportunity to every one for their children to receive the benefit of instruction. To remove this impediment also out of the way, a remedy may be adopted, namely during the present want of schoolmasters to establish the village schools on such a footing as to serve for boarding schools,

and on the future increase of the number of teachers, to erect schools in the different parts of the districts solely on their own foundation, and in the most central spot of the surrounding places. But both these measures, especially the first, and which only can as yet be adopted, the undersigned fear will not attain their wholesome intention, because that another, not inconsiderable, difficulty militates against the same, namely the want of hands for labour, by which all the inhabitants in general, but especially the most impoverished part, who not having any resources of their own to procure their children a proper education, for that very reason stand so much in need of public instruction, are obliged the moment that their children are capable of rendering them any service, to employ them at one work or the other, such as the tending of cattle and the like. To assist the inhabitants as much as possible in this essential difficulty, and, as appears to the Undersigned general impediment, no better adapted means has occurred to the undersigned than to increase the number of schoolmasters as far as can be done in all the districts, so that a certain number could ride round in each, according to its extent and population, from place to place, to give instructions, in such manner, however, that a long space of time should not be suffered to elapse between the different visits of the schoolmasters to each place, because that otherwise the children would naturally forget what they had learned at one time (and especially those who were only in the first rudiments) by the return of their instructor; the other impediments in the proposed suggestions can only be removed by the parents themselves, who should take the trouble to coöperate as far as is in their power with the masters, towards the instruction of their children.

There are certainly other means to be adopted, more suitable to the general inclination of the inhabitants, which the undersigned, who had only an opportunity of making a few remarks on their visits to the different places on their route, and which therefore they cannot give as a general opinion of a whole district, could not investigate or ascertain. For this purpose the landdrosts have the best opportunity on their annual journeys through their respective districts; and they should specially direct their attention to the fulfilment of that part of their instructions by which general instruction and civilization is committed to their charge.

The undersigned conceive it their duty to acquaint Your Ex-

cellency on this occasion with a complaint which was preferred to them on their journey from Tulbagh to Graaff Reinet by Johannes Rasmus van der Merwe, field cornet in the Bokkeveld, against the Government's schoolmaster Wentzel, namely that he, the field cornet, by directions of the landdrost, and at the special request of several of the inhabitants, had pointed out to said Wentzel the place of Schalk Willem Pienaar as a proper situation to establish himself at, and where a number of children should assemble to be instructed; but that Wentzel had thought proper on his own authority to leave the place, and to go to that of Pieter van der Merwe, where he teaches only two children. The undersigned conceived the complaint of too much consequence not to have communicated it by letter the first opportunity to the landdrost of Tulbagh, recommending him to enquire into the same, and thereupon to acquit himself of his duty, in the most serious and earnest manner, so that the undersigned trust that the necessary steps have already been taken therein.

Another complaint of greater consequence was brought before the undersigned at Graaff Reinet, where they were informed both by the landdrost and the Reverend Mr. Kicherer, that there was a person in that district, named O. G. S. Meyer, who propagated the most erroneous and dangerous principles of religion among the people, and that he had not even scrupled on the occasion of collecting the contributions for the Bible and School Commission to persuade the people of the district to which he belonged that it was the intention entirely to do away the Old Bible and substitute something new in its place, that however absurd this was it had notwithstanding such effect that the people of that field cornetship scarcely contributed anything. The undersigned not only most seriously recommended the landdrost to inform himself of the reality of this circumstance, but also, if he found only satisfactory reason to suspect the truth of such having been the case, although he might not have sufficient grounds to act against him in his capacity as public prosecutor, then to avail himself of the 82nd Art. of his Instructions, and agreeably thereto, to acquaint Your Excellency of the circumstance, so that such steps might be taken against O. G. S. Meyer for the general good as Your Excellency might deem proper; and the undersigned have every reason to suppose that the landdrost has not delayed a moment in adopting the necessary measures, and especially as the said Meyer acts as

private schoolmaster in the district where he lives, and has therefrom his situation an opportunity of doing much mischief.

3rd. Slaves.

Both the preceding Commissions of Circuit have already remarked in their reports that the number of slaves in the far distant districts is not large; the undersigned cannot say anything else; but as the smallness of the number has a great influence on the improvement of agriculture, and is even an essential impediment to the progress thereof, they have considered the remark as not unimportant.

What regards the treatment of the slaves, the undersigned, for as far as they had an opportunity of seeing, cannot speak otherwise than favorably, and they take the liberty to refer to the satisfactory declaration which Your Excellency was pleased so publicly to make on your return from Your Excellency's extensive journey through this Settlement.

With regard to the instruction of the slaves in religion, the opportunity to them is equally scarce as to the Christians, that is to say to those who, from the distance of their dwellings to villages, churches, and teachers, cannot well possibly receive instruction, or attend Divine Worship. In this respect however the drostdies of Tulbagh and Graaff Reinet are to be exempted; as to the latter, the undersigned beg leave to refer to what they have already said of the zeal and assiduity of the clergyman of the district. At Tulbagh there is an institution for the instruction of the heathens, established by seven of the inhabitants under the approbation of Government, the funds to which are found by liberal contributions from the inhabitants of the district, and which must be very considerable, because that not only a meeting house has been built from the same, but also a house purchased for the preacher, who is besides paid a yearly salary of Rds. 600 out of the same fund. The institution is applied to the instruction of Hottentots and slaves in religion, and which is given by one Mr. Arie Vos, who formerly resided at Zak River as missionary, from whence he afterwards went to Graaff Reinet with the Revd. Mr. Kicherer, where he was parson's clerk for some time, but from which he was called to his present situation by the founders of the above-mentioned institution. After Divine Service on Sundays, instruction is besides given there on other days in the week, so

that the slaves at the Drostdy of Tulbagh do not want an opportunity to attain a knowledge of religion, and to which those who reside at too great a distance from the institution are also enabled, as Mr. Vos does not confine himself to the drostdy only but also at stated times visits the different field cornetships of the Bokkeveld, the Breede, the Hex, the Berg, and the Twenty-four Rivers, for the same purpose.

4th. The Hottentots.

The number of serviceable Hottentots in the different districts is pretty considerable, and they are, for as far as the Undersigned could perceive on their journey, well treated by the inhabitants, of which it serves as a proof that of all the drostdies Swellendam only furnished a single complaint, and that of little or no consequence. On the investigation of the different records respecting the proceedings between the Hottentots and their masters, before the landdrost and heemraden, since the departure of the last Commission of Circuit, and particularly with regard to some cases on the list of Uitenhage which were brought before the last Commission, but of which the prosecution was committed to the landdrost in consequence of the absence of some of the witnesses, as also on the examination of the contracts of hire and indentures of apprenticeship executed before the landdrosts, the undersigned did not find anything, except at the Drostdy of Graaff Reinet, which could give cause to any reflection respecting the Proclamations of the 1st November 1809 and the 23rd April 1812 not having been duly observed; the undersigned perceived only that some of the contracts of hire were drawn up in writing, but the cause of which was said to be the want of printed ones, which are not always sufficiently on hand when required, and which want can frequently give rise to irregularity, and especially with the field cornets, who, as the undersigned were informed on their journey, are often in want of them, whereby they either only make a general memorandum that such a Hottentot has hired himself to such or such a farmer, or they draw up a contract in their own manner, which is therefore frequently deficient in all the necessary requisites of such an instrument; so that the landdrosts should always be supplied with such a number of printed contracts of hire as they might calculate to be necessary for themselves and field cornets

for a certain time. At the drostdy of Graaff Reinet, on examining the register or list of the complaints of the masters against Hottentots and vice versa, with the records of the landdrost and heemraden thereon, the undersigned found a charge of setting fire, alleged by one Daniel Erasmus against a Hottentot called Mietje or Antje, to which was attached a note that the case should be brought before the next ensuing Commission of Circuit. A second charge of the murder of a Hottentot brought forward by three other Hottentots against three of the inhabitants named Michael Grobbelaar, Marcus Greeve, and Godlieb Sweegers, (which latter is since dead) without any regular termination of the case appearing. The same is the case with a third charge of a murderous intention against the life of Cornelis Coetzee, alleged against a Hottentot named Wildschut.

The undersigned questioned the landdrost on the subject of all those cases, who informed them that the reason why the first was not entered on the criminal list of the present Session was because that one Plessis, who belonged to the number of witnesses, being on guard at the boundaries of the Colony, could not be summoned to appear. That in the second case the accused themselves had informed the landdrost that the business had been already investigated twice at Swellendam, once by the former landdrost Faure, and again by the present one Mr. Buissinne, by whom it was terminated; that he (the landdrost of Graaff Reinet) had written twice to the landdrost of Swellendam requesting the necessary information, without however having received any answer; and that with regard to the last mentioned case, the Hottentot had been actually apprehended, but had found means to escape. The undersigned however seriously recommended the landdrost to take the necessary steps as public prosecutor in all those cases without any further delay.

Besides those three the undersigned likewise perceived from the records that a Hottentot named Jacob, who had been guilty of vagabondizing and of stealing of cattle out of the kraals, had only received domestic correction, in which respect it was remarked to the landdrost that in such misdemeanours, as belonging to the class of crimes the board of landdrost and heemraden might not exercise any jurisdiction, and recommended him in future to act according to the 151st Art. of the Instructions for that Board.

What has been already said with respect to the want of instruc-

tion and the moral civilization of slaves is also applicable to the Hottentots who are in the service of the farmers, and who participate equally in that deficiency with the inhabitants themselves. The want of instruction for the Hottentots is however not so general, for besides the private institution at Tulbagh and the visits of the preacher to the distant parts of the district, and besides also the particular zeal evinced by the clergyman of Graaff Reinet in that respect, there are two schools established for the people over the boundaries of Tulbagh, one over the Great or Orange River, and another in the Great Namaqua Land; and if the undersigned are correctly informed it is the intention of the Missionary Society to establish, under the approbation of Your Excellency, two more Schools or Institutions for the instruction of Hottentots within the district of Tulbagh, namely one at the Cedarberg, and another in the Little Namaqualand; so that after the establishment of both those schools, the Hottentots will not have any reason to complain of the want of opportunity to obtain instruction in the District of Tulbagh. We most readily join our wishes to those of the first Commission that more schools were established by the Missionary Society for the Hottentot nation, provided *under a good and well concerted direction*; but those schools should be erected in all the drostdies, and at more than one place in each, in order to afford the same opportunity of instruction throughout the whole colony. The distribution of the schools should besides be made in such manner that a greater number of pupils should not be admitted than the teacher might be enabled properly to govern and instruct; whereby on the one hand too great a concourse of people would be prevented at one place, which through the deficiency of the necessary extent of land must consequently occasion a want of subsistence, which is naturally more easily to be obtained for a smaller than a greater number, and on the other hand more utility derived from the instruction itself; while also by distributing the schools in all the districts, the services of the Hottentots, should they incline thereto, would be of the more general utility.

The inconvenience of admitting an unlimited number into one school, besides the Institutions of Bethelsdorp and Genadendal, as we shall presently see, has already been experienced at the Hooge Kraal, situated under the district of George, about an hour's distance from the drostdy itself, which since the visit of

the first Commission of Circuit has increased from two families, which at that time constituted the whole of the inhabitants there, to upwards of one hundred men, women, and children, provided with 300 head of cattle, while the extent of ground which they occupy is so surrounded by the neighbouring places that there is scarcely half pasturage enough remaining. The undersigned must however acknowledge that they with much satisfaction perceived at the Hooge Kraal the uncommon industry of the missionary there, in the establishment of a good garden and the cultivation of the land in but a very short space of time, and also the zeal and attention he evinces in instructing the Hottentot children of both sexes, some of whom were really tolerably well advanced in reading, while their parents work in the service of the farmers. If the same were observed at present in the different Hottentot schools, namely that while the children received instruction the parents should be employed in industry with the different farmers, those institutions would be viewed in a much more favorable light by the inhabitants at large; and if the instruction and civilization of the Hottentots is really to be attended with their own happiness and welfare and the general utility of the Colony, which is especially charged to the respective landdrosts in their instructions as an object of their care, in such case the undersigned believe that it should be observed as a principal point that the Hottentots do not spend their time in idleness in those schools; and the undersigned also do not doubt but that the wholesome object in view will be better attained when it is adopted as a maxim in the institutions or schools to be established in future, that none than children of those who through old age or other bodily infirmities may be incapable of earning their own bread should be admitted in the same, and that the children so brought up should not be allowed to remain longer there than till they had attained the age of sixteen or thereabouts, during which time they can receive sufficient instruction if such principles only are to be imprinted on their minds as can be of real advantage to them in future in the situation of life in which they are placed. Having attained that age they should be obliged to quit the Institution, and seek for their livelihood by their own industry, towards which they should be assisted, and especially if they might have an inclination for any handicraft or trade, by which means the instructions and education bestowed on them would in their future situations in

society really tend to their own benefit and happiness, and be of utility to the Colony in general.

Before the undersigned leave this topic of the Hottentots, they beg leave to submit to Your Excellency's consideration the propriety of making some provision for such Hottentot or Bastard Hottentot children, whose parents are either dead or unknown, as may be found living with inhabitants, but who are not under any specified obligation on their behalf; the undersigned are assured that if an enquiry were made after such children in all the districts, the Cape Town itself not excepted, several would be found who could not state to have any other right or claim to them than that they had received them from their mothers, who were either dead or their present place of residence unknown, or that they had taken them as wanderers, without ever having made the smallest enquiry after their mothers. Although now it cannot be supposed that such children are kept in service without the knowledge of the respective magistrates, still however the undersigned have reason to believe that the situation of the children on this sort of footing is very precarious, and that those who are capable or qualified to keep or in future to obtain such children should be bound under a proper obligation for both their education and support, for which purpose the undersigned conceive nothing further could be necessary than that the Proclamation of the 23rd April 1812 should be extended to children of that description, in which case a trifling alteration could be made in the present contracts of hire, of which the respective landdrosts have a form, namely instead of the words *born at the place of A. B. during the time that his or her mother was in the service of said A. B.*, to insert after the age *whose mother is either dead or unknown.*

5th. Genadendal.

This Institution, which has now existed for upwards of 21 years, has besides the houses of the Moravian brethren, a very good church, built about 14 years ago, and as it is provided with galleries all over, it is well adapted to contain a considerable number of people. The undersigned also found here a manufactory of knives, a blacksmith and carpenter's shop, and it is the intention within a short time to erect a building expressly for a school. The situation of this Institution is particularly agreeable, and having

abundance of water, it is consequently extremely fruitful. There are 232 huts here, the habitations of the Hottentots, regularly built in the order of streets, and which are kept extremely neat and clean. The number of Hottentots at present there is no less than 1157 souls, consisting of 289 men, 337 women, and 531 children, male and female. Every family have their garden, and since the first establishment of their institution 700 Hottentots of both sexes have been confirmed as members of the Christian Church. The burying ground is likewise established with order and regularity ; each grave has a separate number, and is registered in the same order ; the bodies of the baptized are separate from those who have not been christened, and it is worthy of remark that the graves of still born infants are provided with a tombstone, on which is cut the words Beatus or Beata, according to the sex. The above mentioned number of Hottentots are acknowledged by the Moravian Brothers themselves to be too great for the extent of ground which belongs to the Institution, as containing only half the land of an ordinary loan place, so that even here the prejudicial consequence of admitting an unlimited number is felt. The Hottentots of this Institution appear to be particularly encouraged to industry, although the landdrost of Swellendam assured the undersigned that, notwithstanding the greatest trouble and promise of good wages, it was frequently impossible to procure even to a single one to work in the public works of the drostdy ; but the Commission observed that the reason thereof was most probably because they were mostly in the hire of the farmers.

6th. Bethelsdorp.

This Institution, the same as that of Genadendal, is situated in a kloof under a mountain, so that they both suddenly appear to view on reaching a height ; but the sensations which arise on seeing each of them are very different, for in the same proportion as the verdure of the trees, the regularity of the gardens, and the cultivation of the lands at Genadendal cheer the eye and prepossess the heart with a favourable idea of the Institution itself, so is the mind disgusted with the sight of the other, by the barrenness of the land, where nothing green is to be found to enliven the scene, but on the contrary a parcel of huts scattered here and there, without

order or regularity, and in a bad condition ; objects which from their appearance afford in themselves living proofs that industry and cleanliness are banished from Bethelsdorp. What public or private benefit is effected in this Institution by no less than seven missionaries with a number of 400 grown up Hottentots and 300 children of both sexes, is indeed difficult to perceive ; while Genadendal, which, as has been already observed, consists of upwards of 400 more, is conducted with very different success by only four of the Moravians.

The undersigned cannot form any other than the most unfavorable opinion of Bethelsdorp, when it is remarked, with respect to those who have attained the age of manhood, that among the multiplicity of prosecutions against Hottentots for different crimes, by far the greatest part of all those of the most heinous nature which at various times in the different situations have come to the cognizance of the undersigned, they found to have been perpetrated by subjects of this Institution : and with regard to the children, who should constitute the chief object of instruction and civilization, so as in their early days to imprint in their yet innocent minds good principles, the undersigned were obliged to hear from the very mouths of the missionaries themselves, that the most unlimited freedom of choice was allowed them, whether they thought proper to go into the school, or not, for instruction. Under such an establishment, who is there considering the natural bias of the minds of children in general, who can expect anything good from the manner of instruction in this Institution ? The undersigned however, when they speak of the grown Hottentots, are very far from intending to deduce therefrom as if the missionaries incited them to do evil, but the Commission are nevertheless convinced in their own minds that the necessary zeal and assiduity are not employed to imprint such principles on their minds, and so to civilize them by good instruction, as would tend to their own welfare and happiness, and the good of society in general ; and as long as those wants are to be found in the instructors themselves, so long will the best intentions be frustrated both there and in other institutions, and instead of good nothing but evil must result, both to the individuals composing them and to the public in general.

The utility of dividing this Institution as proposed to Your Excellency by both the preceding Commissions in their reports,

the undersigned must not only generally recommend, but they are also of opinion that the greater utility to be derived from instruction, when the number of pupils does not surpass the power of the instructor to teach them properly, recommends the separation of this Institution into as many divisions as possible; at all events the undersigned are of opinion that the present situation of the Institution, as well in consequence of the want of water as from the sterility of the land itself, is not eligible for even a small number of persons. The Hooge Kraal, situated in the district of George, recommended by the two former Commissions as a well adapted place for a part of the Institution of Bethelsdorp in case of its eventual division, is at present entirely unfit for the purpose, in consequence of the great number of Hottentots already collected there. It is even worthy of consideration whether the Hooge Kraal itself be not improperly situated, and if its being at so short a distance from the several surrounding places be not calculated to produce disputes and differences and especially with regard to the pasturage, between the farmers and the inhabitants of the kraal, and even whether its situation, so near the drostdy, may not in future be an impediment to the extension of the village. In the meantime, what places would be the best adapted for the establishment of schools, the undersigned do not feel themselves able to point out; such cannot be better effected by any than by the respective landdrosts of each district.

7th. Caffres.

The restlessness of those people, and even committing murder and robbery under the eye and within the reach of the different posts by some of their hordes, who from time to time, as Your Excellency is acquainted with, pass the fords of the Great Fish River, rendered the journey of the undersigned somewhat difficult in that neighbourhood, so that they were obliged to be provided with an armed guard from post to post; at the same time, however, the Commission cannot avoid saying that the prompt and vigorous measures taken by Your Excellency in dispatching a proper force against those who had penetrated through the Baviaans River, and were again beginning to collect in the Boschberg, by which they were driven back with the loss of their cattle, affords a confident proof to the inhabitants of the frontiers that Your

Excellency has already anxiously endeavoured to provide for their safety and protection, and of which they have a further proof by the invitation of Your Excellency held out in the favorable offer of grants of land rent free for ten years, in order to people the Zuurveld (now called Albany) as speedily as possible.

As the Great Fish River is not only dry in many places during the whole of the summer, whereby the Caffer tribes have abundance of opportunities to pass the same, but also the country round about being very woody, which affords them safe hiding places, one is thereby exposed to be surprised and dispersed, (which was the reason that the most of the horses belonging to the detachment were taken away from the post of the Field Commandant Stolts, which is situated very near the river, and on which occasion one of the men who was on guard was murdered) it was to be wished that the posts could be placed on the other side of the river, and from thence a certain extent of neutral ground established, which should not be occupied by any of the parties.

8th. Bosjesmen.

Those people, as the undersigned were informed, conduct themselves very peaceably; they seem to accustom themselves more and more to the Christians, and they are even of very essential service to the inhabitants in whose neighbourhood they live, by taking care of their cattle, for which on account of their great fidelity they are considered as superior to the Hottentots.

On the journey to Graaff Reinet, the undersigned passed a kraal of Bosjesmen situated at the Waayhoek's Mountains, about three days journey on this side of Graaff Reinet, which consisted of about 50 men and women under the direction of a chief or captain named Jonas, who having perceived the waggons of the Commission, four men and two women came forward and shewed every possible mark of respect; one of them understood Dutch, and the first thing they asked for was tobacco, which having supplied them with and also some brandy, they appeared to be in the highest degree thankful, and when the waggon again proceeded forward, they repeatedly shouted, accompanied with such gestures that one must suppose they, after their manner, were huzzaing the Commission. After having rode a little way farther, the undersigned arrived at the place of Isaac van der Merwe, where they

met with several Bosjesmen of both sexes, who from time to time come from that kraal to work for him, especially to take care of his cattle, and who, both in consequence of their fidelity and peaceable conduct, were highly praised by him. On this occasion said Van der Merwe informed the undersigned, and which they conceive should not be passed unnoticed, that although the Bosjesmen eat beef and mutton, they however by far prefer the flesh of the larger sort of game, such as kwaggas and elands, and therefore persuade him from time to time to shoot such for them, but that he was mostly unable to do so through want of powder and shot, in which case he did not find that ready willingness and contentment that they otherwise evinced, and for this reason he requested a larger quantity of gunpowder should be given him, on his applying for the same, than is usually allowed to other inhabitants.

The undersigned do not believe that there exists any reason for refusing this request, because that the kraal of Captain Jonas does not share in those hunting parties which are made in the so called Bosjesman's Country, and that a compliance therewith would contribute to the public peace and security; while besides the people of the kraal are thereby restrained from wandering about or removing from one place to the other. In such case it would be alone necessary that any farmer making application for gunpowder should produce a certificate from his landdrost or field cornet that he was actually under the abovementioned circumstances, namely of having a kraal in his neighbourhood.

At Sneeuwberg the undersigned met with Bosjesmen in the families of several of the inhabitants; at some places the whole of the servants consisted of those people, some of whom performed the household work and others again took care of the cattle, and in both instances so much to the satisfaction of their masters that they gave the most favorable account of them. Although now, as long as the Bosjesmen are deficient in a proper knowledge of reciprocal duties and obligations, the Proclamation of the 1st November 1809 cannot well be extended to them, it is nevertheless necessary that as they begin more and more to reside among the Christians and also seem to like it as long as they are well used, some authority should be established so as to secure a continued good treatment of that people, which would induce them still more to abandon their way of life and seek a livelihood

by their own industry, and thereby become useful to themselves and others. To effect this point it might not perhaps be un-serviceable if the field cornets under whose jurisdiction farmers reside who have any of that nation in their service were from time to time to visit such places and specially to enquire after their manner of treatment, and not finding it proper, immediately to report the same to the landdrost, in order to enable him to take such steps therein as might best tend to attain the object in view. It also appears to the undersigned that it would be of utility if every person who had any Bosjesmen in his service should state the same in his annual *opgaaf*, in like manner as has hitherto been the case with the Hottentots, through which it could be perceived from time to time, whether, and in how far they increased to go into the service of the Christians and become industrious. The manner in which they in their wild state, especially in summer time when the ground from the drought is almost impenetrable, find means to procure their food is a sufficient proof of their ingenuity and indefatigable industry, which united together cannot fail in time to develop their ideas and to make them more useful members of society. It would therefore be a great pity by premature and untimely endeavours to instruct and civilize them, when they are not yet capable of such, to run the danger of their receiving wrong impressions, and thereby frustrate so good a work in its infancy. The beneficial effects of the hunting parties in the Bosjesmen's country, under the regulations as allowed by Your Excellency, the undersigned had the satisfaction to learn; having been informed by the field cornet Andries Jacobus Burgers, who accompanied them over a part of Sneeuwberg, that he had but lately come from one of those parties that some of the inhabitants had formed under his direction as field cornet, which had terminated to the satisfaction as well of the inhabitants as of the Bosjesmen, and which latter especially expressed their satisfaction, and seemed to consider it as a new mark of friendship.

9th. Public Roads.

Those which the undersigned passed they found in general in good repair. The projected road, so as to effect a very short way from the Langekloof near the place of one Kampher to the drostdy of George, and by which the dangerous passages of the Devil's

Kop, the Buffels Kop, through the so called Groote Bosch, and over the Trakadakouw's and Kayman's rivers, are avoided, cannot but be considered as of essential importance, and especially now that Your Excellency has been graciously pleased to cause the granary at Mossel Bay to be again put in order, so as to store 20,000 muids of wheat. The expence of making this new road will be soon reimbursed by means of a toll, and therefore can only be considered as a temporary advance.

10th. Agriculture, Internal Trade, and Coasting Vessels.

The facilitating of the carriage of produce by the improvement of old and the making of new and more convenient roads, as well as the establishment of markets where the produce can be disposed of for a reasonable price, and thereby long and expensive carriage avoided, are certainly the best means to encourage agriculture and give spirit to the internal trade, and in this respect the carrying into execution the new projected road from the Lange Kloof to the Drostdy of George recommends itself by being closely connected with the re-establishment of the granary at Mossel Bay as a secure place for the storage and collecting of wheat. This new consumption, and the rendering the carriage easy, cannot fail of more and more spurring on the inhabitants to agriculture for as far as they are not impeded therein by the want of hands and especially if they were assured of being paid a fixed price for a certain number of successive years, so that they need not be under any apprehension, after they have applied themselves thereto to the best of their power and accumulated considerable expense, that the greater quantity of produce which would then be the result should diminish their profits; and the securing of such fixed price, in addition to the carriage having been rendered more easy, cannot but be considered as reasonable.

Against this there certainly appears an objection, namely that as long as the farmer cannot be supplied at the market where he disposes of his goods with the necessary articles of clothing or for the purposes of agriculture, which he in his turn wants, at a reasonable price, and therefore obliged to have recourse to Cape Town for that purpose, he will put up with the long and troublesome carriage, and prefer bringing up his goods there in order

from their proceeds to supply himself with such articles as he may stand in need of.

But this obstacle begins to be removed in some of the districts, there being shops at the villages where the countryman's wants can be supplied without his being at the trouble or expense of a carriage to town, and on the increase of the villages persons will always be found who will find it their interest to settle there and to provide themselves with all those articles which are best adapted for the farmers, to which they might be encouraged on the part of Government by liberating such shopkeepers from paying a licence. On this principle, namely to provide for the convenience of the farmer by supplying his wants without his being reduced to the necessity of making long and expensive journeys from the far distant districts to Cape Town, the undersigned are of opinion that the trade which is at present carried on in the interior by persons who are licensed from the fiscal's office, agreeably to a Government's Proclamation, to ride round with goods and dispose of them among the inhabitants, should not under the existing regulations be opposed, which the landdrost of Graaff Reinet was of opinion should be done with respect to his district, as evidently tending to the prejudice of the shopkeepers there, who are obliged to be provided with a Government Licence, while those country pedlars are free therefrom. It alone appears to the undersigned to be reasonable that if the country shopkeepers are to continue to be obliged to take out licences as customary, those pedlars should in future be put on the same footing.

With respect to the undertaking of Pohl and Korsten, which the last preceding Commission were apprehensive had been commenced too soon, and that probably thereby a want of cattle for the consumption of the town and draught oxen for the farmers might be occasioned, the undersigned did not learn anything on which such apprehensions can be founded, and which in their opinion must entirely vanish when it is taken into consideration that the present number of black cattle slaughtered at that establishment is 1539, which could be augmented to 2000, and which added to 4000, about the number that is annually slaughtered in Cape Town by the respective butchers, amounts to only 6000 head, while the breeding cattle in general can be safely estimated at 150,000.

The Commission itself.

The unpleasantness which the last preceding Commission met with on their journey, in consequence of the delay occasioned by the relays of cattle not being in readiness at the places where they were to pass, and which therefore gave rise to the proposition of establishing a high road, the undersigned did not experience; on the contrary they were supplied with relays everywhere they came with the greatest promptitude possible, in which respect they cannot sufficiently praise the punctual attention of the field cornets in all the different districts; which expedition, added to the particular good fortune that the undersigned met with during the whole of their journey, not having been once hindered by a river or any other impediment of consequence, constituted to the speedy termination of their mission. Although certainly the activity in procuring relays of cattle, the early appointment of the Commission, and the consequent knowledge of their departure, also contributed much thereto, still, however, what principally tended to expedite the journey was that the undersigned immediately on opening the session at a drostdy, when they could calculate the apparent day of their leaving the same, sent off an open order to the nearest field cornet to be forwarded from the one to the other, in which the probable time of their departure was mentioned; whereby that time was gained which otherwise must have been lost when such communication was made immediately to the landdrost and then the orders given by him to the field cornets, a thing which in case the Commission, through little business, might remain but a short time at a drostdy, could not fail of retarding the journey; because that the field cornets residing far from the drostdy whither the Commission were to proceed, could not be informed thereof on their arrival, and therefore the manner of procuring relays of cattle observed by the undersigned will not only prove very convenient to the succeeding Commissions, but the adoption thereof will become necessary in case the before mentioned proposals respecting the serving of the summons by the districts clerks be approved of.

With regard to one and the same Commission visiting all the five drostdies, as was done by the undersigned and the first Commission, such cannot for many reasons be too strongly recom-

mended, and the more so because the journey is alone prolonged by the business which may occur at both the other drostdies, the Commission being obliged, if not to touch there, at least to pass them.

As to the time when the Commission should leave town, as well as the route which they should take, the undersigned are of opinion, if they may be allowed to judge from their own experience, that the month of October is the best adapted for that purpose, and that the route taken by them is the most preferable, especially the road from the Coup to Graaff Reinet, which from the better supply of water, both for man and beast, and also that part being more inhabited, weighs considerably against the greater shortness of the road through the Carro.

The undersigned cannot in justice conclude this report without saying that they feel it their duty to express in the warmest manner their most sincere acknowledgements to the different magistrates as well as to the military and burghers, indeed in one word to all individuals, for the assistance, attention, and readiness which they experienced from every one of them in the course of their journey.

Submitting the views contained in the above report to Your Excellency's superior judgment, the undersigned have the honor to be etc.

The Commissioners of the Circuit for the year 1813.

(Signed) D. F. BERRANGE,
 D. J. van RYNEVELD.

By order of the Commissioners aforesaid.

(Signed) H. CLOETE, L. SON, Secretary.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN,
April 30th 1814.

MY LORD,—I have the honor to transmit to your Lordship the Report which I only received yesterday from the Judges of the Commission of Circuit for the year 1813.

The report of the preceding year, which so much attracted your Lordship's approbation, carried with it such a body of various and useful information and suggestions, that the present one cannot afford the same interest; but exclusive of the importance I am anxious to give to these reports by its being known that I submit them to His Majesty's Government, I trust they will prove that although this subject may be more exhausted, yet the principles they set forth are become the bounden duty of all persons in authority to preserve and establish.

I have the pleasure to state that the few circumstances held out by the Commission as amendments still required, have already been acted upon; and it may be hoped that prejudices and bad habits will daily give way.

The better attendance of witnesses at the trials, without which all justice must at least be delayed, and the further employment of schoolmasters to the utmost extent that this Colony from her own resources can supply of persons in the least competent to the task have been lately objects of peculiar consideration and exertion.

With this view, as far as is practicable to close all proceedings of any importance that have occurred within my administration, I also by this despatch lay before your Lordship the report from Mr. Van Blokland, Secretary to the Court of Justice, who was specially deputed last year to enquire upon the spot, in the distant parts of this Colony, into the state of the accusations brought forward in so general and acrimonious a manner by Messrs. Van der Kemp and Read. My former correspondence with His Majesty's Government upon this subject will have explained the course it was necessary to adopt in an undertaking that comprised such an extent of years, and changes of Government, English and Dutch, and which alone with any chance of precision could be entrusted to the most eminent and methodical lawyer of these Courts. I have great reason to hope that your Lordship will be satisfied with Mr. Van Blokland's zeal and ability, and that it will appear that all has been done that could be effected. The proceedings before the Court of Justice, as your Lordship will observe, are not entirely terminated, but I do not believe that any case of much consequence, as far as Mr. Van Blokland's researches have extended, will appear; but at any event I beg permission to repeat what I have before taken the liberty to express to your

Lordship, that the same imputations, though highly exaggerated, will never occur again.

I should have wished to have further transmitted to your Lordship the report from His Majesty's Fiscal upon that portion of the cases at issue forming a separate class of imputed crimes allotted to his investigation; but it has not been delivered to me, and it must therefore be left to the charge of the succeeding Government.

I forbear from sending to your Lordship the very enlarged and detailed documents, in Dutch and English, that attach to these reports, but they will remain at your Lordship's commands, should they be required, in the Colonial Office. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE Town, May 1st 1814.

MY LORD,—It appearing expedient that a Collector of the Customs should be appointed at Simons Town in consequence of that place having become the permanent Naval Station of this Colony, I have much pleasure in informing Your Lordship that I have been enabled to meet the wishes express'd by Your Lordship in your dispatch to Sir John Cradock (No. 12) respecting Dr. Truter, who was disappointed on a former occasion relative to the office of Searcher at this place. I have in order entirely to comply with your Lordship's desire on that head attached the same rate of salary to the office of Collector at Simon's Town which Dr. Truter would have enjoyed had he retained that of Searcher at this place.

I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

ON BOARD H.M.S. *Semiramis*,
May 1st 1814.

MY LORD,—In transmitting to your Lordship the enclosed copies of the addresses that were presented to me upon my departure from the Cape of Good Hope, however gratifying to my feelings they naturally are, I trust I may gain some credit from your Lordship that I am not actuated by vanity, but that my object is more to confirm to your Lordship that the measures I pursued, many of which carried with them a very sensible alteration in the existing habits and regulations, were not without a decided concurrence and approbation; and that I also conceive these acknowledgments will prove a marked and general attachment to His Majesty's Government throughout this Colony.

In my answer to the address from the great body of the Inhabitants, I allude to the advice and assistance which guided me, and I should fail in duty to his Majesty's Government and common justice and gratitude to the Inhabitants, if I did not lay before your Lordship the name of Mr. Truter, Chief Justice, who upon every occasion has manifested the utmost zeal and ability for the welfare of this Colony and the most close connection with England.

I can assure your Lordship that his judgment and enlightened course of proceeding cannot be surpassed, and if this great Colony should definitively remain with Great Britain, I anxiously hope that some mark of distinction, as is usual with the chief legal officer abroad, may be conferred upon Mr. Truter. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure 1 in the above.]

*To His Excellency LIEUTENANT GENERAL SIR JOHN
FRANCIS CRADOCK.*

SIR,—The British Merchants of this Colony, with other respectable men residing under your late jurisdiction, beg leave to testify

from the jurisdiction to which they belong, and where the profession of the law is to their care entrusted.

The Advocates beg therefore to express the high sense of confidence and veneration which ever since your Excellency's administration have supported them in the arduous task of their profession by the conviction of your Excellency's justice and equity.

The advocates beg to recommend themselves to your Excellency's consideration, and to subscribe themselves with the highest esteem

Your Excellency's most obedient humble Servants,

Signed by the respective Advocates.

CAPE OF GOOD HOPE, 29th April 1814.

[Enclosure 4 in the above.]

To His Excellency Lt. GENERAL SIR J. F. CRADOCK, K.B. and K.C.

HONORABLE SIR,—The undersigned John Andrew Truter, Provincial Grand Master of the Lodges of Free and Accepted Masons working under the Constitution of Holland at the Cape of Good Hope, John Henoch Neethling, Grand Master, Gerrit Buyskes and John Zorn, past Masters, and Egbert Bergh and John Ryno van der Riet, commissioned members of the respective Lodges the Hope, &c., beg leave for themselves and on the part of their Brother Masons to offer their humble thanks for the generous protection which the said Lodges had the honor to enjoy under his Majesty's Government, entrusted to your Excellency's paternal administration.

They beg in the name of all their worthy Brethren to express the high sense of Gratitude, Esteem, and Veneration which they entertain for your Excellency's person, and how much they appreciate, both as Brother Masons and Inhabitants of this Colony, the advantage of having lived under your Excellency's command and protection, as also their ardent wish to have enjoyed longer your Excellency's gracious Presence and mild Government.

Happy in the glorious Title of Brothers, they at the same time as members of the community at large feel conscious that whatever may in future prove the state of Happiness and Welfare

vital a point as her trade would have evinced the most unfeeling negligence.

His Majesty's Government has lately granted such signal advantages that every commercial prospect lies before you, and the Cape of Good Hope may become the station that nature seemed to mark out in her destiny.

But, gentlemen, you especially, and the other active and enterprising inhabitants of this Colony, must pursue with increased ardour the still more essential course of native export trade. I am persuaded that the succeeding Government will warmly aid every exertion you may employ, and I cannot from the regard I shall ever feel for this Settlement avoid urging it, with my farewell voice. This paramount consideration should occupy the public mind, as the only one which will render this Colony truly independent, or secure her present appearance of prosperity.

Accept, Gentlemen, my best thanks for the assistance I have received on many points connected with the trade and other commercial regulations, and allow me to ardently wish you all that prosperity and eminence that distinguish British Merchants in other parts of the world.

(Signed) J. F. CRADOCK.

April 30th 1814.

[Enclosure 3 in the above.]

*To His Excellency LIEUTENANT GENERAL SIR JOHN FRANCIS
CRADOCK, KB & C.*

HONORABLE SIR,—The undersigned Advocates, practising in the Honorable the Court of Appeals at the Cape of Good Hope, beg leave to pay their respectful duty to your Excellency, by offering their most sincere and humble thanks for the honor of your Excellency's presidency in the administration of justice in appeal.

If, on account of their legal talents and professional character, their evidence bears a weight in matters of justice, it is by this title they beg leave most humbly to declare that your Excellency's integrity, discernment, and wisdom ever made them conscious how much they had to appreciate the advantage of their clients' causes being submitted to your Excellency's equitable and just decisions, and therefore they feel concerned at your Excellency's departure

When we fix our attention on property, and especially on that true source of wealth, *Agriculture*, we see the tenure of Lands established on a firm basis, and the improvement of every acre of ground rendered easy by enabling the Landholder, not only to reap the fruits of his own labour and exertions, but also to leave to, and divide among his offspring, the means for the exercise of theirs.

It is with no less satisfaction that we turn our thoughts to the administration of Justice, when we find the public mind impressed with a due respect for the Law and its impartial application, and at the same time witness the publicity of proceedings, extended under your Excellency's Administration, inspiring the People at large with confidence, and convincing the whole of the Colonists that *equal Justice and equal protection* are the prominent Jewels of His Majesty's Crown, thereby affording us every day an opportunity of gratefully remembering your Excellency's enlightened Administration.

When we behold our Children, and those of the poorer classes of our fellow Inhabitants, and when we reflect on the apparent insurmountable difficulties in point of Education which formerly existed, we must look with astonishment on the new mode of Education established throughout this vast extended Colony by your Excellency's liberal and encouraging example; and we may proudly look forward to the inestimable consequences of instruction in morality and science enjoyed by the rising and future generations.

When we take a view of your Excellency's regulations with respect to Finance, we see with the greatest satisfaction the public credit secured, trade encouraged, and the way paved for an equitable, proper, and permanent method of its administration.

Our grateful thanks are equally awakened when we look towards the Boundaries of the Colony, when we see our Territory by your Excellency's bold exertions, and by the prompt and steady execution of your Excellency's orders, delivered from the infesting Savages who have for so long a time kept possession of the most fertile parts, so that we have now the pleasing prospect before us that even the remotest parts of this extended Settlement will enjoy perfect tranquillity and protection.

Thus, by your Excellency's unremitting zeal, ardour, and wisdom in the discharge of the duties of your important trust, this

Colony has received every improvement of which it was susceptible during so short a period; while its inhabitants may justly entertain the most promising hopes for the future, from the principles it has established.

Although we have not, nor cannot have, the smallest doubt of His Majesty's paternal solicitude in selecting a successor able to fill in every respect the high situation your Excellency has relinquished; we cannot refrain from expressing our sense of the loss we feel, and we beg leave to assure your Excellency that your name will be remembered by us with the warmest sentiments of respect, affection, and gratitude, and that our best wishes for your Excellency's interests, for your safe and prosperous voyage, and for the blessings of Divine Providence on your Excellency's person, as well as on your truly amiable Consort and family, will ever accompany your Excellency in every quarter of the Globe

We presume at the same time to solicit your Excellency's kind recollection of this remote corner of the World; and have the honor to remain, with the highest sense of consideration, respect, and esteem, Sir,

Your Excellency's most obedient and most humble Servants,

Signed by the Members of the different Colleges.

[Enclosure 6 in the above.]

GENTLEMEN,—I avow the high satisfaction I feel in receiving this kind expression of your sentiments. It is a full reward for the zealous wish that has ever actuated me, to promote, to the utmost of my ability, the prosperity and happiness of this Settlement.

The Instructions of His Majesty's Government upon all points that constitute the real advantage of a Colony have been so truly paternal, so marked, and so well defined, that I had but to obey its Commands.

It has been my good fortune to be the witness of all the favors lately conferred by His Royal Highness the Prince Regent upon the Cape of Good Hope; and as I have some right to judge of the future by the past, I may entertain the firm persuasion that the Inhabitants will continue to prove that they deserve them.

My Administration of His Majesty's Government has been

an easy one, for I have always experienced a cheerful obedience to the Laws and Regulations; and I have had to guide me in my anxious endeavours, the most patriotic advice and enlightened assistance.

I trust I quit this Country in the possession of unbounded prospects of affluence and prosperity, dependent alone, under Divine Favor, upon the prudence and exertions of her own People.

I have had the gratification to live with you all, Gentlemen, in such a manner as not to leave me to declare that the Inhabitants of the Cape of Good Hope will ever command my warmest regards and most anxious solicitude.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

H.M.S. *Semiramis*, TABLE BAY,
1st May 1814.

MY LORD,—In a former dispatch I had the honor to acquaint your Lordship that I delivered over to Lord Charles Somerset the Government of the Cape on the 6th April, a few hours after his landing, according to his Lordship's requisition from on board ship.

Had I been aware of the urgency expressed by Lord Charles Somerset, in so uncommon a manner to the public view, on a foreign station, to replace me, I should, at the proper moment, have solicited your Lordship to allow me to retain my appointment for a short period, until I could close some points of public business in immediate execution, under my control, and especially those in judicial process and actual hearing, which my successor could not enter upon for a considerable time.

As the *Medway*, which brought Lord Charles Somerset, was not to return, and that my departure from the Colony depended upon the arrival of the India fleet, and as all the representation and expense of my former situation fully remained (and I may say still rests with me), I trust it may not be deemed unreasonable, or indeed out of the usual course, if I take the liberty to prefer some claim to the continuance (as it has so happened to all my prede-

cessors until their departure) of my salary as Governor from the 6th April to this day (the 1st May) on which I embarked, and that orders may be issued to that effect to the Colonial Government at the Cape. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

H.M.S. *Semiramis*, TABLE BAY,
1st May 1814.

MY LORD,—I trust that your Lordship will have the goodness to excuse my putting under a private cover to your Lordship an official letter. But my object is that if your Lordship thinks I prefer anything like an unreasonable claim, that you will have the kindness to lay aside the application, and give it no further attention.

I must, however, avow to your Lordship that I was much mortified at the precipitate proceeding of Lord Charles Somerset, effected in a much more abrupt manner than I am willing to describe, and which would have occasioned a very injurious impression upon the minds of the Inhabitants, and the measures of my Administration, had it not been countervailed by your Lordship's obliging and most favorable communication of the 9th October. I have &c.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 4th May 1814.

MY LORD,—I am to acquaint your Lordship that I have, in consideration of the Circumstances represented to me relative to the completion of the Water Works now carrying on at the Cape of Good Hope, instructed the Lords Commissioners of the Treasury to direct the issue of the further sum of £2900 to Mr. Courtenay

for the specific purpose of covering all expences attending the Work in question ; and I am to desire that the repayment of the same may be made in the manner pointed out by my Letter No. 15 addressed to Sir John Cradock. I have etc.

(Signed) BATHURST.

[Office Copy.]

DOWNING STREET, 4th May 1814.

Passport for Mr. and Mrs. Wageninge to proceed to the Cape.

[Original.]

*Letter from the REVEREND DR. WERNINCK to HIS EXCELLENCE
MR. H. FAGEL, Ambassador Extraordinary and Minister
Plenipotentiary for Holland.*

CAMBERWELL, May 23rd 1814.

DEAR SIR,—This evening I received a letter from the Revd. Mr. Van Voorst of Amsterdam, informing me that many clerical gentlemen had offered from time to time to go to the Cape of Good Hope, and begged to be appointed to the vacant livings there ; but on inquiry he generally found that he could not well recommend them to the British Government. However there is one at present, the Revd. Jan Christoffel Berrangé, Minister of the Reformed Church at Bloemendaal near Haarlem, for whom he does not hesitate a moment to request an appointment in due form to one of the vacant livings at the Cape of Good Hope. As soon as he is furnished with this document he intends making immediately the necessary arrangements to come to this country for the purpose of proceeding to the Cape as soon as possible. If your Excellency will have the goodness to procure for the above mentioned gentleman such an appointment, and send it to me, I shall forward it to Holland. I have etc.

(Signed) J. WERNINCK.



[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the destruction of worn out and defaced Paper Money, also of Rds. 3,000, being the ninth instalment of the loan to Stellenbosch in 1804 repaid by the Landdrost and Heemraeden.

24th May 1814.

[Original.]

Letter from H. FAGEL, ESQRE., to EARL BATHURST.

CURZON STREET, 24 May 1814.

MY LORD,—I have the honor of enclosing a letter which I have just received from the Revd. Dr. Werninck, Minister of the Dutch reformed Church in the City, on the Subject of a Dutch Clergyman to be sent to the Cape of Good Hope, and I shall be much obliged to your Lordship to enable me to inform Dr. Werninck of your determination on this subject. I have &c.

(Signed) H. FAGEL.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th of May 1814.

This return shows 150 officers of all ranks at the Regimental Head Quarters or on detached duty at the Station, and 48 officers of all ranks on Staff employ.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers, and Rank and File of the several Corps serving in the Cape of Good Hope, 25th May 1814.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.						Total.
		Sergeants.	Trumpeters and Drummers.	Present and fit for Duty.	Sick.	On Command.		
21st Light Dragoons .	Cape Town	52	10	797	37	49	883	
Royal Artillery . .	Do.	6	5	311	12	2	325	
Gunner Drivers . .	Do.	3	1	91	2	..	93	
Royal Sappers and Miners . . . }	Do.	2	..	12	..	..	12	
60th Foot	Do.	55	21	695	19	278	992	
83rd Foot	Do.	55	22	858	42	..	900	
93rd Foot		2	..	3	..	3	6	
Cape Regiment . . .	Graham's Town	35	19	..	..	756	756	
Garrison Company . .	Algoa Bay	10	4	6	..	134	140	
	Total	220	82	2,773	112	1,222	4,107	

(Signed) CHARLES HENRY SOMERSET, Lieut. Gen.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has appeared necessary and convenient for the Inhabitants of that part of the Cape District, extending from Muisenburg to Cape Point or the Uiterste Hoek, to have an internal arrangement for their Magistracy, so as to obviate the

necessity of referring all matters of Police and those relating to Lands to the Magistracy of Cape Town; and whereas the important change by which the Naval Station is now fixed at Simons Bay, renders it probable, that Simons Town will not only be much enlarged and become extremely populous, but that it will be the rendezvous of much shipping touching here for Convoy. For these reasons, and by virtue of the authority of His Majesty in me vested, I have thought proper to direct, and hereby direct as follows:

1. The District of Simons Town shall be entirely separated from Cape Town and the Cape District, and form an Establishment apart under its particular Magistrate, as hereinafter directed.
2. An ideal line from Muisenburg to the Noord Hoek will form the separation of the District of Simons Town from that of the Cape; should any doubt exist with regard to Places or Erven, which may be situated upon the line in question, the Landdrost of the Cape District will arrange the matter with the Magistrate of Simons Town, (who will henceforward be styled the Government Resident), according to the usual custom in the separation of Country Districts.
3. The Revenue arising from the ordinary and extraordinary Taxes, as established in the Proclamation of the 1st April last, and the Toll on the Muisenburg Road, will in future be collected by the Government Resident of Simons Town District, and the proceeds will be expended in defraying the necessary expences of the District; the accounts and vouchers for such expenditure are to be kept and audited in the manner pointed out in the 24th Art. of the Proclamation of the 1st April aforesaid.
4. The Heads of Expenditure intrusted particularly to the Government Resident, are :
 - 1st. The Repairs of the Wharf.
 - 2nd. The Repairs of the Government Civil Buildings.
 - 3rd. The Repair of the Roads, especially that to Muisenburg, and the Repairs of the Streets; but this will not include the formation of a new Road, between Simons Town and Muisenburg, which will be immediately commenced under special Instructions from me.
5. In order to meet the expense of these items, independent of the Taxes above alluded to, a rate of Wharfage, for all Goods, not the property of His Majesty, will be established, and a charge

allowed, to be made against all Vessels, frequenting the Port, except those in the King's Service, for Watering.

6. The Government Resident of Simons Town will exercise the same authority within that District, as the Landdrosts do in their respective Districts.

7. The Government Resident of Simons Town will report his proceedings, as far as they relate to good order and the peace of the Town, to the Commandant of the Place, giving him an account of such Sailors or others, as he may have found necessary to confine, on the morning subsequent to their being taken up, at farthest; but with respect to Finance, or disposition of Lands, or other things not connected with the breach of Peace, or public tranquillity, the Government Resident will as usual continue to correspond immediately with me, or the Governor for the time being, through the Office of the Colonial Secretary.

8. The Town of Simons Town shall be divided into two Wards, as herein after described, and a Wardmaster, to act under the same Regulations and instructions, as the Wardmasters of Cape Town, shall be appointed to each Ward.

The first Ward to comprise all Houses, &c., situated between the North Battery and the Wharf, and the second all Houses, &c., situated between the Wharf and the Naval Hospital.

The District of Simons Town contains two Field Cornetcies, viz. that of the Noord Hoek, and that of the Wildschutbrand, whose duties are pointed out by the general Regulations on this subject.

The Government Resident will point out the Boundaries of the Field Cornetcies in question.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 27th day of May, 1814.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas in consequence of the Regulations directed by the Proclamation of the 6th August, 1813, for the change of the Tenures of Loan Leases to Tenures on Perpetual Quit-Rent, some

doubts have arisen with respect to the value of the Stamps, on which the Receipts for the several amounts of Quit-Rent due to His Majesty's Government should be drawn out,—I do therefore, by virtue of the Power and Authority in me vested, hereby order and direct, that Stamps, according to the following Tariff, be hereafter used for all Receipts for Money paid, on account of Quit-Rent due to the Government, of which the Receiver General of Land Revenue, the Collector of Tythes, and the respective Landdrosts, are desired to take especial notice.

Tariff of Stamps to be used for the Receipts of Rent payable on Land granted on Perpetual Quit-Rent.

From	1 to	10 Morgen .	.	.	.	.	2 Sk.
10 to	30	"	.	.	.	.	3 "
30 to	50	"	.	.	.	.	4 "
50 to	60	"	.	.	.	.	5 "
60 to	80	"	.	.	.	.	6 "
80 to	100	"	.	.	.	Rd. 1	0 "
100 to	500	"	.	.	.	"	1 4 "
500 to 1000	"	.	.	.	.	"	2 4 "
1000 to 2000	"	.	.	.	.	"	4 0 "
2000 and upwards,	.	.	.	.	.	"	5 0 "

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this
3rd day of June, 1814.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Government Advertisement.

It having been reported to His Excellency the Governor, that, notwithstanding the Law on the subject, frequently promulgated, and repeated cautions given to the Public, several Individuals, (Petitioners for Land), occupy, cultivate, and sometimes build on the ground they have prayed for, previous to their having obtained any title thereto,—Notice is hereby given, that in future, whenever a case of the kind shall be brought to the knowledge of His

Excellency the Governor, His Excellency will in no instance grant the land, so illegally occupied, to the party who has prayed for the same; but if the land is intended to be alienated, it will be put up to public sale; nor will any indemnity whatever be made to the person who shall have so cultivated or otherwise incurred expense, without the immediate sanction of His Excellency the Governor.

Cape of Good Hope, 3 June, 1814.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE TOWN, June 5th 1814.

MY LORD,—I have the honor to transmit to Your Lordship the Proclamations and Government Advertisements which I have caused to be issued since the 6th of April last, and it becomes my duty to trouble Your Lordship with a detail of the arrangements which (commenced by Sir John Cradock) I have now completed in separating Simon's Town from the Cape District, a measure which became entirely necessary by the Naval Station having been permanently removed to that Port and by the India Shipping having been appointed to rendezvous there in the Winter months. The step which first presented itself as most expedient was to vest the magistrate at Simon's Town with independent functions. The Deputy Fiscal who had hitherto acted as magistrate in the small affairs of police was constrained to wait for instructions on almost every subject from the Fiscal in Cape Town or the Landdrost of the Cape District, as the case required. The same gentleman (Mr. J. Brand) who held the office of Deputy Fiscal is now continued as magistrate with extended powers, under the Dutch Title of "Government Resident."

It is matter of no small satisfaction to me My Lord, that this new establishment (as I may term it) at Simon's Town has been effected with but little additional expence to the Colonial Government and that the benefit to be expected from the recent com-

mercial advantages granted to this Settlement will amply compensate for it.

The offices which have been necessitated by the effected arrangement are :

A Government Resident in lieu of the Deputy Fiscal with additional salary of 300 Rixdollars, about (sterling) £35 per annum, A Collector of Customs £700 sterling per annum, A Harbour Master, 2000 Rix Dollars, about £250 per annum.

The additions of the salary to the magistrate will be more than repaid by an allocation of the Government Offices at Simon's Town, by which various expences on that head will be altogether saved.

The appointment of a Collector of the Customs was imperiously called for by the important commercial shipping which already resort to Simon's Bay. Hitherto it has been the practice to send a proportion of the officers of that Department from hence to reside at Simon's Town during the Winter months. The removal of these persons was attended with no small expence and an additional allowance beyond their usual pay became requisite.

This expence will now be saved, and it is a consideration of no light moment that a responsible and trustworthy character will be constantly on the spot to watch over this important branch of Government Revenue, especially when the great temptations are considered to which the subordinate Revenue Officers (on whom the duty and responsibility up to this period have fallen) were exposed to induce them to connive at the smuggling of the valuable productions of India. Independent of these considerations, the recently detected frauds in the person last entrusted with this branch of service at Simon's Town peculiarly pointed out the necessity of having an officer of weight and respectability at the head of the Custom Department there, to this situation therefore I have named Mr. Truter, the gentleman so strongly recommended by your Lordship in Your Dispatch to Sir John Cradock dated

, who was on a former occasion disappointed in retaining the office of Searcher at this Port, and whose services during the short period he was employed in it (I am assured) well entitle him to every consideration. The responsibility attached to this office—the value of the imports and exports of this Colony having amounted for the year ending 30th April last to about £700,000, or 3,500,000 Rix Dollars—will I trust justify me in

Your Lordship's opinion in having fixed the salary of it to correspond with that of the Searcher at this Port. This sum must not however be considered an entirely new expenditure, as the discontinuance of all the expenses caused by sending the functionaries from hence will be a saving of at least one half of it.

The necessity of a Harbour Master at a Port constantly frequented is so obvious that it is needless for me to comment upon it.

I requested Admiral Tyler (commanding on this Station) to nominate to it, and upon his recommendation Mr. Gardner, an old lieutenant and a respectable officer in the Navy, has been appointed. The salary attached to it is the lowest at which an officer can be decently maintained in this Settlement.

I have endeavoured to fulfil the wish expressed in Your Lordship's letter to Sir John Cradock No. 29, dated 25th December 1813, for transferring a building (termed the mess house of the military officers) to the Naval Department whenever an equivalent should be found in exchange for it; but the only building which has been proposed in exchange was in every point of view so inferior and so entirely unfit for the purposes required, that the arrangement could not possibly be effected, for altho' this building is described by the simple appellation of a *mess house*, it affords most ample and commodious accommodation for lodging one field officer, three captains, and nine subalterns, exclusive of an excellent mess room and stabling for the horses of the field and staff officers. At the same time I beg to assure Your Lordship that the most unfeigned desire exists on the part of the Colonial Government to afford the Naval Department every possible accommodation and assistance at Simon's Town.

I have a confident hope that the arrangements I have made will meet with Your Lordship's entire approbation, and have etc.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

DOWNING STREET, 8th June 1814.

Passport for le Sieur J. H. Noget to proceed to the Cape.

[Copy.]

*Letter from the DEPUTY COLONIAL SECRETARY to the PRESIDENT
AND DIRECTORS of the Lombard Bank.*

SECRETARY'S OFFICE, June 10th 1814.

GENTLEMEN,—His Excellency the Governor having had under his consideration the general affairs of the Lombard and Discount Banks, and having particularly given his attention to the circumstance of an interest of five per cent being granted to such individuals as have deposited sums of money in the hands of the directors for the term of twelve months, by which regulation the bank now pays interest upon the large sum of Rds. 673,000; his Lordship has directed me to inform you, that the continuation of this regulation appears to him to be at least matter of very questionable policy, and that it is very evident the profit derivable therefrom is not an amount of any importance to the colonial government.

Under this view of the subject his Excellency is induced to direct, that you may be pleased to give notice to the several persons who have deposited money in the bank on interest, that such interest will be discontinued at the expiration of the twelve months for which such sums have been respectively lodged.

You will be of course aware, that this mode of reducing the expenditure of the bank will effect the intended alteration gradually; but his Excellency is not inclined to think that ultimately it will in any considerable degree diminish the amount of money deposited in the bank. In the first instance, however, it will necessitate considerable caution in the arrangement of discounts, so as to secure the amount of such sums as become payable, being in the bank at the periods when the proprietors of them shall become entitled to withdraw them. His Excellency will naturally feel considerable anxiety on this head, and will be glad of frequent communication with your office on this subject; and that these communications may be effected with as much regularity as possible, his Excellency thinks it will be advisable that the regulations directed in the letters from this office of the 1st of June 1808, and 27th December 1811, should be considered as renewed; and in reference to the late Governor's letter of the 25th August

1812, his Excellency directs me to add, that he will be equally ready at any moment to attend to your personal representation upon all such matters as you may judge to require his immediate attention. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 14th June 1814.

MY LORD,—The wish expressed by Sir John Cradock in his dispatch No. 28, that some Dutch Clergymen should proceed to the Cape of Good Hope to fill the vacant Livings there, has been represented to the Dutch Minister at this Court, and I have now the satisfaction of naming to your Lordship the Reverend Jan Christoffel Berrange, the bearer of this Letter. This Gentleman has been so strongly recommended to me both by Mr. Fagel and the Reverend Dr. Werninck, that I must request your Lordship will appoint him to the best of the vacant Livings in the Settlement; and I trust I shall not be disappointed in looking forward to your Lordship's report that he is in every respect worthy of the charge entrusted to his Care. I have etc.

(Signed) BATHURST.

[Original.]

Letter from the REVEREND DR. WERNINCK to MR. H. FAGEL.

5 GROVE TERRACE, CAMBERWELL,
June 14th 1814.

DEAR SIR,—On the 24th of May last I took the liberty of informing you that the Revd. Jan Christoffel Berrangé of Bloemendal near Haarlem had expressed his wish to be appointed to one of the vacant livings at the Cape of Good Hope, and that he had been recommended to me as a very excellent and able man highly deserving of the consideration of the Right Honorable the Earl of Bathurst. I am very happy to add that another Dutch Clergyman, the Revd. Hendrik Uden Masman, of Koorndyk near Briel, has also expressed a wish to fill another of the vacant livings

at the Cape of Good Hope, and that he is equally well recommended to me. In consequence of which I take the liberty of requesting that your Excellency will have the goodness to procure appointments for the above named Gentlemen, that they may be enabled to proceed to the Cape of Good Hope as soon as they possibly can. I have &c.

(Signed) J. WERNINCK, D.D.

[Copy.]

*Extract of a Letter from LIEUTENANT COLONEL BIRD to
LIEUTENANT COLONEL CUYLER.*

SECRETARY'S OFFICE, June 17th 1814.

His Excellency laments the circumstance that occurred at the Heemraad De Klerk's place, and is decidedly of opinion that under such and similar circumstances the Depredators should be followed across the boundary with a force sufficient to bring back the property and Cattle plundered from the farmers, and punish the perpetrators of such atrocious acts of Robbery and murder. But His Excellency cannot on any account authorize the property of unoffending Caffres being brought away; it being his wish to convince this deluded people, by every means, by temper and forbearance on the one hand, and by severity where their aggression is marked by violence and ferocity on the other, that the Colonial Government has no view but its own security, and entirely disdains the idea of plundering them; consequently it is His Excellency's positive direction that not a single head of Cattle or Caffer property be brought into the Settlement by any party who shall have been authorized to follow the plunderers.

[Original.]

Letter from MR. J. P. EILBRACHT to HENRY GOULBURN, ESQRE.

AMERICA SQUARE, June 22, 1814.

SIR,—I send a Notarial Copy of the Affidavit I sent last year to Mrs. Swanevelder at Cape of Good Hope respecting the Negro boy Zee Bouwer, and convinced from what you have been kind enough to explain to me that said Lady is ill used, I submit to

your better judgment whether it would not be proper to let me have Copies of said Zee Bouwer's petition to His Excellency the Governor at the Cape and of Affidavits in support of the same of Jacoba and John Jacob Swanevelder, also of the Slave Fortuin, in order to refute such parts of the same as I'll be able to do, and affirm by oath. Waiting your reply I remain &c.

(Signed) J. P. EILBRACHT.

[Enclosure in the above.]

Affidavit of JOAN PHILIP EILBRACHT.

Joan Philip Eilbracht of America Square in the City of London merchant, maketh oath and saith that in the year one thousand seven hundred and ninety two when he was an officer in the service of the Dutch East India Company, he arrived from Batavia at the Cape of Good Hope. That during this deponent's stay at the Cape of Good Hope aforesaid he made a donation or present to Madam the widow Swanevelder born van der Poel residing at the Cape of Good Hope aforesaid of a slave or Negro boy named Zee-Bouwer the own and sole property of this deponent; which said boy as this deponent is informed and verily believes has since been called Louis. That the said boy must have been at that period from five to six years of age and was a native of the coast of Coromandel and had been made a present of to him this deponent by his mother who was then living and residing at Paleacatte. And this deponent further saith that there was no transfer made of the said boy from him this deponent to said Mrs. Swanevelder and that he had expressly and purposely destroyed the paper by which it appeared said boy was his slave, as it was the particular wish, intention and desire of him this deponent that the said Boy should never be sold.

(Signed) J. P. EILBRACHT.

Sworn at the Mansion House,

London, the 20th day of October 1813,

Before me

(Signed) GEO. SCHOLEY, Mayor.

I the undersigned Arend Jacob Guitard Notary Public by Royal authority duly admitted and sworn residing in London do hereby

certify unto all persons or persons whom it doth shall or may concern that I was personally present and did see Joan Philip Eilbracht make the foregoing Affidavit before the Right Honorable George Scholey Lord Mayor of the City of London who confirmed the same with his usual signature.

In witness whereof I have hereunto set my Hand and seal of Office in London aforesaid this twentieth day of October one thousand eight hundred and thirteen.

Quod Attestor.

L. S. (Signed) A. J. GUITARD, Not. Publ.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by an Act passed in the last session of Parliament, entitled, "An Act for the further regulation of the Trade to and from the Places within the Limits of the Charter of the East India Company," it is provided, "That from and after the tenth day of April, 1814, it shall be lawful for the said Company, and also for any other of His Majesty's Subjects, to Trade (in Ships, navigated according to Law, and proceeding upon any Voyage, from the United Kingdom to any Ports or Places within the Limits of the Charter of the said Company), to, and at any intermediate Ports, Places, or Countries between the said United Kingdom and the Limits of the Charter of the said Company, situate in North and South America, (other than and except any of His Majesty's Colonies and Plantations in America) and to and at the Island of Madeira, the Canaries, and Cape de Verde Islands, the Island of St. Helena, and the Cape of Good Hope; and for that purpose, to discharge the whole, or any part of the Cargo of any such Ship or Vessel, at any such intermediate Ports, Places, or Countries, as aforesaid, and in the prosecution of any such Circuitous Voyage, to take on board any other Goods, Wares, and Merchandise, which can be legally carried from any of such intermediate Countries, Ports, or Places, to any Ports or Places, within the Limits of the Charter of the said Company, and in like manner to Trade, in any such Ship or Vessel, in any Voyage, from any Ports or Places, within the limits of the said Company's Charter,

as aforesaid, to the United Kingdom, to and at any intermediate Ports, Places, or Countries, between such Limits and the said United Kingdom, situate in North or South America, (other than and except the Colonies or Plantations of His Majesty in America), and at the Cape of Good Hope, or the Island of St. Helena. And it shall also be lawful for His Majesty's Subjects, to carry on Trade and Traffic in Ships navigated according to Law, Directly and Circuitously, between all Ports and Places, within the Limits of the said Company's Charter, except the Dominions of the Emperor of China, anything contained in any Charter of the said Company or in any Act or Acts of Parliament to the contrary notwithstanding. Provided always, that nothing herein contained, shall extend, or be construed to extend, to authorize any of His Majesty's Subjects, other than the said Company, or Persons properly licenced by them, to Export or Import from or to any such Countries, Ports, and Places, within or without such Limits, or to Import into the United Kingdom any Tea, or in any manner to Trade and Traffic in Tea, between any such Ports or Places as aforesaid." And it is further enacted, "That His Majesty's Settlement at the Cape of Good Hope shall, as to all Trade allowed by this Act, to be carried on between Ports and Places, within the Limits of the Charter of the said Company, be deemed, construed, and taken to be within such Limits; Provided also, that nothing herein contained, as to the said Settlement being deemed, as to such Trade as aforesaid, to be within such Limits, shall extend, or be construed to extend, to prevent, or in any manner to limit or affect, any other Trade, which now may, or which may hereafter be allowed to be carried on, between the said Settlement, and any other Countries, Ports, or Places, whatever."

Now, in order to further the beneficial views of His Majesty's Government, to this Settlement in the above recited Act, and to encourage the Exportation of all such Goods, Wares, and Merchandise, as may be legally exported from hence, I have judged it expedient to order and direct, that in future, and until further provision on this head, the Factors, Agents, Supercargoes, or others, interested in any Ships or Vessels, coming to the Ports of Cape Town, or Simons Town, from the Eastward (for the purpose of Trade or Traffic with this Colony), with any Goods, Wares, and Merchandise, which may be legally re-exported, shall be permitted to enter the same at the Custom House, and to lodge

such Goods, Wares, or Merchandise, in the Warehouses thereof, at their own risk, under the immediate charge of the Collector and Comptroller of His Majesty's Customs, and Export the same within eighteen months, duty free, paying only the usual rates for wharfage and warehouse, the expence of Permits, and such other incidental expences, as are customary and necessary.

And, in order to give the fullest advantage to the Importers of Goods, Wares, and Merchandise from the Eastward, I do hereby also order and direct, that it shall be permitted to them, to enter, for Consumption, in this Colony, at any time within the eighteen months aforesaid, any part of the said Goods, so warehoused under the charge of the Collector and Comptroller of the Customs, provided such part be not less than one bale or package, upon payment of the usual Colonial Duties thereon.

But at the expiration of the eighteen months aforesaid, such proportion of the Goods, Wares, or Merchandise as shall not have been Exported, but shall remain in the Stores of His Majesty's Customs, shall be charged with the usual Colonial Duties on Imports from the Eastward; and the Owners thereof, or Persons interested therein, shall be called upon forthwith to remove the same, paying the usual expences, which shall have been incurred, in default whereof, after due notice, His Majesty's Collector, or the Chief Officer of the Custom Department, shall put such Goods, Wares, or Merchandise, up to Public Sale, on account of those interested therein, and account to them for the proceeds thereof; deducting, however, the aforesaid customary Duties and Expences.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope,
this 24th day of June, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor will attend at the Civil Offices on Tuesdays from $\frac{1}{2}$ past 10 to $\frac{1}{2}$ past

12, for the purpose of receiving all Persons who may wish to speak to him on Colonial Business.

Cape of Good Hope, 24 June, 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE Town, Tuesday, June 28th 1814.

MY DEAR LORD,—The very great uncertainty of the conveyance by which this letter is sent induces me to deem it inexpedient to address any special letters to Your Lordship by it, but having appointed my brother-in-law Mr. Locke to the situation of President of the Lombard Bank in this Colony, I take the liberty of troubling you with one line to say that I shall feel most sincerely obliged to Your Lordship if you will order a passage for Mr. and Mrs. Locke and their family to this place. Mrs. Locke is a sister of Lady Charles's and we shall feel most gratefully any kindness Your Lordship can shew them to conduce to their comfort on this occasion. Mr. Courtenay (of Lincoln's Inn) will apply to Mr. Goulburn on the subject, if your Lordship will have the goodness to give the necessary directions.

I beg my kindest remembrance to Lady Bathurst. In October and November I shall employ myself in obtaining what she wants in the bulb and heath way. None are to be obtained until that season. Believe me etc.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 29 June 1814.

MY LORD,—I avail myself of the earliest opportunity of naming to your Lordship the Bearer of this Letter, the Reverend Hendrik Uden Masman to fill another of the vacant Livings at the Cape of

Good Hope; and from the very strong recommendation I have received of this Gentleman's Character and Abilities, I am induced to hope that the Settlement will derive great benefit from his professional exertions. I have etc.

(Signed) BATHURST.

[Copy.]

Advertisement.

The President and Members of the Burgher Senate hereby inform the inhabitants of Cape Town that respecting the classification they have complied with the wishes of Government, contained in the 9th Article of the Proclamation of the 1st of April last, which classification has been approved by His Excellency the Governor and Commander-in-Chief, in consequence whereof all inhabitants will pay as their share in the ordinary taxation three-fourths per cent upon their income.

The inhabitants are therefore informed that the treasurer D. de Jongh will attend every day, Saturdays, Sundays, and holidays excepted, from Monday the 18th instant until the middle of August next, at his office, Town Hall, from nine o'clock in the morning till twelve, in order to receive every one's share in this classification, and also the hearth money.

Secretary's Office, Burgher Senate,
Cape Town, 6th July 1814.

(Signed) P. J. TRUTER, Secretary.

[Office Copy.]

DOWNING STREET, 6th July 1814.

Passport for Mr. J. G. van Buuren, his Wife and three Children and female servant, to proceed to the Cape of Good Hope.

[Copy.]

Government Advertisement.

Although there have been many Tenders for the several Wine Farms, for the ensuing Season, yet the sums offered, not amounting to what His Excellency the Governor had just reason to expect, His Excellency, according to the tenor of the Government Advertisement of the 3rd June last, has directed said Farms for Cape Town, Rondebosch, Simons Bay, and Stellenbosch District, to be put up to Auction, in the usual manner. The highest Tender for the Beer Farm has been accepted.

The Particulars of the Contracts may be seen, both at the Colonial Secretary's and at the Fiscal's Offices.

Names of the Committee:

- D. Denyssen, Esq., His Majesty's Fiscal,
- F. Dashwood, Esq., Receiver General,
- C. Brand, Esq., Collector of Tythes, and
- M. C. Gie, Esq., Receiver General of Land Revenue.

The Auction will be at the Burgher Senate House, on Monday the 15th August next, at 9 o'clock in the morning.

Cape of Good Hope, 8 July, 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Office Copy.]

Letter from VISCOUNT CASTLEREAGH to EARL CLANCARTY.

FOREIGN OFFICE, 14 July 1814.

MY LORD,—I regret to perceive that the arrangements announced to Your Lordship in the Protocol of the 20th of June have been so much misconceived, and the exertions of this Government for the interest of Holland so unjustly appreciated.

The dissatisfaction expressed that the Sovereignty of the Low Countries has not at once been conceded to the House of Orange is unreasonable: why should the Prince of Orange expect that to

be done to him with respect to new possessions which has not been done by Prussia with respect to her ancient provinces, such as the duchy of Berg, &c.? I see a proclamation of Bellegarde's announcing the annexation of certain Italian provinces to the Austrian Monarchy; my belief is, that this is, in point of form, an unauthorized act, unsanctioned even by his own Government, but certainly unsanctioned by the Allies.

I cannot conceive the Prince of Orange's dignity could be prejudiced by charging himself with the same description of administration over the Belgick Provinces wherein His Prussian Majesty actually and extensively exercises, and which the King of Sardinia is desirous of obtaining over the Genoese people. It is optional in His Royal Highness to exercise the Government personally or by delegation; and in not going to Brussels he only sacrifices to a false notion of consequence, the most advantageous occasion possible of making good his interest amongst an intractable people!

The disposition to exaggerate the past exactions upon Belgium appears still to prevail at the Hague. They are, in the present instance, put forward to cover an unreasonable pretension to make its resources operate in relief of Holland, rather than to contribute in some small degree to uphold the system which is necessary to secure both the reunion intended and a stable Peace in Europe.

The enclosed Convention will show you, that for this purpose Great Britain charges herself with an engagement to keep up a force of not less than 75,000 men. Is it too much to expect that Belgium, having no army of its own, should pay 15,000 of this number? or is it reasonable that Holland, whose interests have been throughout the primary object of our exertions and sacrifices, having had no real share in conquering the low Countries, should now desire to appropriate its revenues to her own use, rather than to the system which is to sustain the general Interest?

With respect to the latter article of the Protocol, although the claim to information is perfectly reasonable and well founded, the disposition to complain, at least so far as Great Britain is concerned, is not more just. The enclosed letters will explain the whole of what has passed with Russia at any time upon this subject. The claim in question was stated by me to the Prince of Orange at Paris, and His Royal Highness's opinion was then expressly given to me against the expediency of absolutely rejecting it. If such was wise when the war was closed, how

much less was it possible for me to discountenance it at Chaumont ? and why was it that Great Britain ever entertained the proposition of maintaining (qy. burthening) herself with £3,000,000, but from a desire, almost romantick, to serve Holland ? And yet, incredible to state, the Dutch Government conceives itself aggrieved, whilst it is acquiring by the exertions and the sacrifices of others a territory superior to its own !

I am sorry to observe the same discontented tone in the instructions sent to their Ambassador in London ; it also prevails strongly in the enclosed Memorandum communicated to me by M. de Fagell. To part with as little as possible, and to describe that little as an injury, whilst extensive acquisitions are made only an argument for further demands, appears to constitute the principles of Monsieur de Nagle's diplomacy ! This has not been the character of our proceedings towards Holland ; and if her Government has not the penetration to perceive this, nor the generosity to acknowledge it, there is no other course left but to adopt that line of conduct which will recall it to her recollection.

Under these circumstances I have acquainted Monsieur de Fagell that the British Government must decline separating the negotiation with respect to the Dutch colonies, from the general arrangements to be made at Vienna. Confidence on one side cannot be adopted as a principle of action ; and if the settlement of Belgium is to be hazarded by exaggerated complaints, and by the Prince of Orange omitting to take those measures which are deemed essential to his own interest, it is time for the British Government to suspend their decision upon the Colonial pretensions of Holland, until they are assured that the views of the Allies are not likely to be defeated by the successive jealousies and exorbitant demands of the Dutch Cabinet.

I cannot avoid expressing strongly my disappointment on this occasion, feeling as I do, that if ever one Power pursued a course of highminded, disinterested, and friendly policy towards another, ours has been of that description towards Holland. I may be allowed to feel it the more, from the part I have individually taken in their concerns.

this business, perhaps, if the assurances afforded to me as above detailed respecting Belgium shall be deemed sufficient, Your Lordship will think that the protraction of the negociation for the recession of these Colonies may tend to aid the views of those who in this country are adverse to the intimate connection between the British and Dutch Nations.

I have etc.

(Signed) CLANCARTY.

[Original.]

Letter from SIR DAVID BAIRD to EARL BATHURST.

FERNTON, NEAR PERTH, 25th July 1814.

MY LORD,—I had the honor of addressing His Majesty's Secretary of State for the Colonial Department, a considerable time since, upon the subject of a balance due from the Colonial Treasury of the Cape of Good Hope to the Captors of that Colony, amounting to 67,705 Rix Dollars, in consequence of which Lord Liverpool was pleased to send directions to the Governor to pay it into the hands of the Agents for the parties interested.

As it appears that on account of the low state of the public treasury there, it was not in the power of the Governor to comply with these instructions, and as it is very desirable that the agents for the captors should be able to bring their accounts to a final settlement (which is only delayed by the balance in question) I venture as trustee under the Crown for the Army employed in the reduction of the place, to request your Lordship will give such directions for the same to be paid here, at such rate of exchange as may be deemed equitable, the Governor of the Cape having I understand suggested the expediency of allowing him to draw for the amount in England. I have etc.

(Signed) D. BAIRD, General.

[Original.]

Letter from the REVEREND DR. WERNINCK to MR. H. FAGEL.

CAMBERWELL GROVE, July 26th 1814.

DEAR SIR,—I have forwarded to the Revd. J. C. Berrangé and the Revd. H. U. Masman their respective appointments to the vacant livings at the Cape of Good Hope, which they have received and thankfully accepted. They are now preparing to proceed as soon as possible to the place of their destination, and beg me to solicit the Right Hon'ble the Earl of Bathurst, that it may please His Lordship to grant them six months of their salary in advance, in order to pay the necessary expences for their equipment and departure from Holland to this country, they both having large families, and are unable to pay these expences themselves, on account of their not having received their income during the time that Holland was annexed to France. They also wish to be informed, when there will be an opportunity for their conveyance to the Cape, that they may not be long detained in England to avoid expence.

I shall be much obliged to you, if your Excellency will have the goodness to obtain Lord Bathurst's compliance with the above request. Mr. Berrangé's salary commenced on the 14th June last, and that of Mr. Masman on the 23rd of the same month.

I have etc.

(Signed) J. WERNINCK.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas of ancient times, the respective Governors of this Colony have, by several Laws and Proclamations made for that purpose, established Rules and Regulations for the preservation of Game, and to prevent improper persons or others unlicenced by Government, from the killing of Game; And whereas it is found,

that many idle and disorderly persons, of inferior classes of life, who ought to be dependent upon their industry, waste and mispend their time in destroying Game, and others at unseasonable times indulge themselves in killing Game, particularly during the breeding Season, and by a continuance of that practice, are likely to effect a total destruction of Game in the vicinity of Cape Town ; Be it hereby enacted and proclaimed, that so much of the Proclamation issued by His Honor Major General Francis Dundas, Lieutenant Governor, and Acting Governor of this Colony, founded upon a temporary scarcity of Grain in the Colony, as authorizes the Farmers, and other Residents within the following Districts, viz. The Country Districts of this Settlement, and such parts of the Cape District as lie beyond the distance of six hours, or thirty miles, of Cape Town, to take, shoot, and kill Game, be repealed and annulled :

And be it further enacted,

1. That from and after the 7th day of August, until the 30th of November in the present year (1814), and from and after the 1st day of July, until the 30th day of November, (both inclusive in every succeeding year), all persons whatever are strictly forbidden to shoot any Pheasant, Partridge, Khourhen, Buck, or Hare, within the limits herein specified, (that is to say) on this side the ridge of mountains running from Hanglip to French Hoek, and on this side the ridge of mountains running from French Hoek to the Roodezandkloof, and from the little Berg River at the Roodezandkloof to the Berg River, following the course of the same to where it empties itself in St. Helena Bay, under a penalty of Fifty Rixdollars, together with all costs and expences attending the prosecution to conviction, or one month's imprisonment on failure of payment thereof; provided always, that the above restrictions are not intended nor understood to prohibit the Boors or other free persons from shooting at any season of the year for their own travelling consumption, whilst actually on the road, but not to be brought into Cape Town.

2. That any person or persons who shall at any time wilfully catch or destroy any Pheasant, Partridge, Khourhen, Buck, or Hare, by net, snare, springe, or other unlawful engine, or who shall knowingly and wilfully take away, or otherwise destroy the young or eggs thereof, on any of the lands within the above mentioned limits, shall forfeit 50 Rds. together with all costs and expences

attending the prosecution to conviction, or one month's imprisonment on failure of payment thereof.

3. That any herdsman, shepherd, or other person having the charge of, or attending Cattle, who shall be found carrying a gun on any of the lands within the above-mentioned limits, loaded with shot of a smaller size than what are commonly known and called by the name of Lopers, or who shall be found with any shot of a smaller size in his custody or possession, shall forfeit such gun, and his master or employer moreover be fined in the sum of 20 Rds. together with all costs and expences attending the prosecution to conviction, or one month's imprisonment on failure of payment thereof.

4. That no slave shall at any time be permitted to shoot or otherwise destroy any Game, on any of the lands within the above-mentioned limits, on pain of forfeiture of the gun or other engine, and a further punishment of one month's confinement in the public prison of Cape Town, the costs and other expences attending the prosecution to be paid by the master on conviction.

5. And whereas many persons hire or employ a Hottentot or other free person to shoot for them, in the capacity of Gamekeeper, or for the pretended purpose of supplying their table with Game; be it hereby further ordered and declared, that such Hottentot or other free person shall not be allowed to shoot upon any other lands within the said limits above specified, than what are *bona fide* possessed by his master or employer, under a penalty of one hundred Rds., such fine to be recovered of his said master or employer, together with all costs and expences attending the prosecution, on such Hottentot or free person being convicted of such offence.

6. And still further to check the destruction of Game, be it hereby ordered and declared, that for every Pheasant, Partridge, Khourhen, Buck, or Hare, which shall be found in any dwelling house in Cape Town, or elsewhere, within the above-mentioned limits, between the said 7th day of August, and the 30th day of November in the present year, and between the first day of July and the 30th of November, in every succeeding year, (both inclusive) the owner or master, or mistress thereof, shall be liable to a penalty of fifty Rds. together with all costs and expences attending the prosecution to conviction.

7. That no live Game shall at any time, nor any dead Game,

between the said 7th day of August and the 30th day of November inclusive in the present year, and between the 1st day of July and the 30th day of November in every succeeding year, be suffered to pass or be carried through the Toll or Barrier Gates, under a penalty of Fifty Rds. to be recovered of the person in whose custody or possession such Game shall be found, together with all costs and expences attending the prosecution to conviction, or six months imprisonment on failure of payment.

These offences to be tried before the Landdrost and Heemraaden of the District wherein the same shall have been committed, or before the Government Resident of Simons Town, provided the offence be committed within his jurisdiction; one half of the said penalties to go to the Informer, and the remainder to the District Treasury, in aid of the undermentioned Fund for the destruction of Vermin.

And be it also hereby further ordered and declared, that any person or persons committing any of the above mentioned offences, may be convicted thereof on the oath of one credible Witness, before the said Landdrosts and Heemraaden, or Resident Magistrate at Simons Town, provided the said penalties be sued for within three lunar months from the day such offence shall have been committed.

And be it also hereby further declared, that any person or persons who shall have been convicted as aforesaid, and who shall have duly complied with the Sentence of the Court before which he shall have been so convicted, and shall feel himself aggrieved thereby, shall have a power of Appeal to the full Court of Justice, and be entitled to recover back the penalty, together with double costs, provided he obtain a Sentence against the Prosecutor.

And finally, in order further to encourage the preservation of Game throughout the above-mentioned Limits, rewards shall be given to all such persons as destroy Vermin, or other noxious animals, after the following proportions :

	Rds.
For every Tiger	25 0 0
Wolf	20 0 0
Wild Cat	1 0 0
Mouse Hound	0 0 4
Hawk	0 0 4

That these sums shall be paid by the respective Field Cornets, to whom the Heads of such Vermin or noxious Animals shall be

produced, and allowed them in their Yearly Accounts, and to be raised by an adequate local Tax, when the District Fund shall be insufficient to discharge the same.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of July, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of new paper money to replace a quantity of worn out and defaced pieces.

29th July 1814.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 30th July 1814.

MY LORD,—I have the honour to enclose a Copy of a dispatch addressed to my Predecessor by Sir John Cradock stating the distinguished services of Lieutenant Colonel Graham, and recommending him as the person best qualified to fill a combined Military and Civil Situation on the Frontiers of the Settlement.

As Colonel Graham intends shortly to return to the Colony, I have to desire that you would take the earliest opportunity of conferring on him the appointment which was intended for him by Sir John Cradock, and to which his eminent Services in the Caffre War so justly entitle him. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 30th July 1814.

MY LORD,—I have had the honor of laying before the Prince Regent the dispatches from Sir John Cradock of the Dates and Numbers specified in the Margin, and have received His Royal Highness's Commands to signify to your Lordship His pleasure on the various points which required consideration.

There has been nothing in the whole administration of Sir John Cradock which has afforded His Royal Highness more entire satisfaction than the zeal which he has uniformly manifested to propagate Christianity and to promote education and improvement among all Classes of the Inhabitants of the Colony; and His Royal Highness trusts that your Lordship will no less than your predecessor appreciate the value of the System which has grown up under his protection, and not suffer it to languish for want of your countenance and support. His Royal Highness most readily accedes to the request preferred by Sir John Cradock of being allowed to make a donation from the Colonial Revenue to the Bible and School Commission of 10,000 Rix Dollars. For although His Royal Highness is aware that the Finances of the Colony are not in a state to admit any new Charge upon them, yet the object to which the sum in question is to be applied is one of such paramount importance as to give it a Claim to preference above every other improvement which may be in contemplation.

The Colony is also much indebted to Sir John Cradock for the rescue of its frontier provinces from the predatory incursions of the Kaffre Tribes. Your Lordship will at once see the necessity of adhering to the line of Policy which he has uniformly followed, and will not less carefully avoid any hostile aggression against the Kaffres than you will be ready to repel any incursion which they may make within the limits of the Colony.

Although I conceive that if Sir John Cradock could have foreseen the change of Circumstances which has taken place in Europe, his view of the necessity of increasing the Cape Regiment would have been materially altered, yet I nevertheless submitted to His Majesty's Government the arguments upon which he had been induced to recommend it. Had the War in Europe continued, and

had the force stationed at the Cape been of necessity still further reduced, there could have been no question as to the propriety of supplying the deficiency of British Troops by an increase of the Colonial Force. But as peace has removed all danger of foreign attack, and thus left a greater force disposable for the defence of the Northern Frontier, His Majesty's Government feel that it would be imposing an unnecessary burden upon the Colonial Revenue to continue the Cape Regiment even at its present strength for any longer time than may be required for the purpose of reinforcing the Garrison by another regular Regiment.

The Measures which Sir John Cradock took previous to his departure for settling the question respecting the 1,000,000 Rix Dollars created by the Earl of Caledon will have relieved you from much difficulty. I cannot too much impress upon your Lordship's attention the first Report of the Finance Committee appointed by Sir John Cradock as laying down in a clear manner the principles upon which all your financial operations should be conducted. That there exists a redundancy of Paper money in the Colony is too evident to admit a doubt as to the necessity of cancelling a portion of it, and the means recommended by the Committee are peculiarly well calculated ultimately to effect this object without pressing with an undue degree of severity upon any Class of Persons in the Colony. I could indeed have wished that Sir John Cradock had adopted that recommendation of the Committee which related to the postponement of Works determined on but not contracted for at the date of their Report, as I believe that by withholding the issue of the 100,000 Rix Dollars which the completion of these Works required he would at no distant period have been able to effect them without resorting to a measure which as far as it goes tends to encrease the depreciation of the exchange and the consequent difficulties of the Colony. The progress made by you in cancelling the Paper Currency of the Colony cannot fail to be highly interesting to His Majesty's Government, and I have therefore to desire that you would make me a Quarterly Report of the amount of Paper Currency actually in circulation, specifying the amount of that which has been issued and that which has been cancelled during the preceding Quarter.

Upon the receipt of Sir John Cradock's dispatch No. I lost no time in addressing myself to Mr. Eylbracht on the subject of the person detained as a slave by Mrs. Swanevelder. I herewith

enclose a Copy of an Affidavit sworn by him and transmitted some time back to the Colony. It will be for the Courts of the Colony to decide how far this Affidavit, unaccompanied by any Documents on the part of Mrs. Swanevelder, can afford any satisfactory proof of Fortune's slavery. But whatever may be the decision upon this point, it clearly appears that Mrs. Swanevelder possesses no right to dispose of the Boy to any other person, the Gift of the Slave (if he be such) having been made expressly under a stipulation that he was not to be sold or given to any other individual.

As I see no reasonable ground for supposing that Mr. de Lettre was ignorant of the law against which he offended by the purchase of Slaves brought from the Mauritius, I cannot sanction a compliance with his request of being released from the Penalty to which the breach of the law has subjected him. But in consideration of his family, who will be great sufferers by the immediate enforcement of the Penalty, I see no objection to giving him such time for making the payment as may be necessary to prevent his absolute ruin. You will therefore consider yourself authorized to take security and adopt such other Measures as may secure the payment of the Penalty within five Years from the date of the commission of the offence. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from the Foreign Office to the EARL OF CLANCARTY.

FOREIGN OFFICE, July 30, 1814.

MY LORD,—Your Lordship's dispatch No. has been received and laid before the Prince Regent.

The explanations therein contained have proved satisfactory to His Royal Highness; and I have this day had a conference with the Dutch Ambassador concerning the retrocession of the Dutch Colonies. His Excellency has taken the outline stated to him by me on the part of this Government *ad referendum*, for the consideration of his Court; and that justice may be done to the friendly and disinterested views of the British Government, I deem it necessary to state it fully to Your Excellency.

The first observation that occurs is, that however warmly we may feel for the interest of Holland, and however liberally we certainly wish to act towards Her, we must not forget the extent of sacrifice we shall be called upon to make for Her interest in the approaching settlement. And on this account we must endeavour to combine it with some arrangement of direct advantage to this Country. Our object has been to seek for that arrangement which would, upon the whole, cost Holland the least, consistent with having something to state to the public, who will be entitled the rather to look for some equivalent in a case where both the charge to be incurred, and the restoration to be made, are purely optional on our part.

The next point to be considered is, what must be assigned out of the common stock to Sweden, in compensation for Guadeloupe. The satisfaction of this claim was, with great justice, thrown out by the Allied Sovereigns; when the Prince of Orange and His Royal Highness, with the utmost good will and propriety, accepted this charge.

My first suggestion to the parties was, that Sweden should receive Berbice. This is declined by Sweden, and with some shew of reason, as inadequate. The three settlements of Demerary, Essequibo, and Berbice are in return asked for; thus pushing their demand as much on the other side. Mr. Nagle's proposition of Curacoa and St. Eustatius are naturally treated as utterly inadmissible. It is the wish of this Government to do what is fair, and to avoid what might be unsatisfactory to either of its allies. With this object in view, I have sounded M. de Rehausen upon the subject of a pecuniary indemnity; and I have reason to believe, that Sweden would accept £1,000,000 in satisfaction of her claim.

If this claim can be thus satisfied, the British Government will take this charge upon itself, and in addition to the 1,000,000 to Sweden, set apart £2,000,000 to be employed together with such Sum as may be agreed upon on the part of the Prince of Orange's Government, in progressively fortifying the barrier for the Low Countries and Holland:—to make Englishmen feel the interest they have, in always being ready to go to war in defence of the Low Countries, I think the works ought to be executed in concert; and with some engineers on our part cooperating with those of His Royal Highness; and in order to satisfy Parliament that the work

is not likely to be left incomplete, I should wish that the Prince of Orange would agree to employ at least an equal sum towards the same object. The political effect of such a stipulation would be advantageous to His Government, as inspiring confidence, by holding out to the Belgians the united strength of Great Britain and Holland, as cooperating to protect them hereafter.

Your Excellency will have no difficulty in making the Prince of Orange feel, that we cannot propose to Parliament to incur a charge of £3,000,000 for Holland, without having something to state in the nature of an equivalent. What we propose is, to retain the Cape, and the Colonies of Demerary, Essequibo and Berbice, giving the subjects of His Royal Highness a right to import their property from thence in their own vessels, and to their own ports.

The necessity of having something to hold forth to the public is the more felt from the probability there is, of our being involved in a further charge on account of Holland of £3,000,000, arising out of what is called the Dutch loan, an incumbrance wholly originating in our anxiety to secure Belgium to that country.

The whole sum of 6,000,000, we cannot disguise from ourselves, will be a proposal truly formidable to submit to Parliament at the close of a War, and when economy and remission of taxes are looked to.

In discussing this proposal, you may observe, that the Cape is of no real commercial value to Holland, not perhaps of *much* to us. It is, however, a point, in favour of which there is a prejudice which inclines the British Nation to attach an importance to it; and as such, to be willing to undertake the incumbrance of its garrison.

As to the other colonies, from the quantity of British property engaged in their cultivation, there is a considerable party in this country very adverse to their surrender. The abolitionists also desire to retain within our own controul, Colonies in which there would be such temptation for illicit import, if not checked, by a registry of slaves and a vigilant superintendance.

These feelings would give to these requisitions a fictitious value in the public estimation, and serve to reconcile, in some degree, the nation to the burthens they will be required to bear.

It is also to be remarked that the advantage to Holland is obvious that these colonies should remain with Great Britain

rather than be given up to Sweden. Under a British administration the Colonists, in fact, pay nothing for garrison; and do not defray, as I believe, the whole even of the civil charges. Sweden would not fail to throw the whole charge both civil and military at once upon the proprietors, and would expect them to furnish a clear tribute besides, to the Government at home.

The difficulty of realizing such a tribute, and the indigence of the Swedish Government is in truth the only motive for Sweden entertaining the proposition of a pecuniary indemnity; and whether the question is viewed as a fiscal one by the Dutch Government, or one affecting the interest of their proprietors, I am disposed to think, the Prince of Orange and his subjects would sacrifice nothing by leaving Great Britain to defend these colonies for the joint commercial advantages of the two nations.

The only other object that occurs to me to propose in this arrangement, is an exchange of Cochin for the Island of Banca. In this, I believe, the advantage would be clearly on the side of Holland.

The tin mines embarrass us somewhat with our Cornish subjects:—it ought to be an object to Holland to consolidate her empire in the Eastern Seas: possessions on the continent of India are of little comparative value, whilst her trade can frequent our ports.

If it is wished that this whole question should be settled before I go to Vienna you may accelerate the arrival of further instructions to Mr. Fagell; else I shall not have the means of arranging with Sweden before I set out on my journey, which I propose to do at latest on the 15th of August. I shall stop for a day at Ghent, and then proceed on to pay my respects at Brussels.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE Town, August 1st 1814.

MY LORD,—I have the honor to transmit to Your Lordship the proceedings of a criminal case against Johannes van Tonderen for the murder of a female Hottentot, wherein the accused is sentenced to suffer death, but as it does not appear to me that the crime was

committed with *malice prepense*, and is therefore more properly designated manslaughter than murder, I have suspended the execution of the sentence until I shall be honoured by Your Lordship with the commands of His Royal Highness the Prince Regent. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from EARL CLANCARTY to VISCOUNT CASTLEREAGH.

BRUSSELS, 4th August 1814.

MY LORD,—The messenger Lyell arrived here at a late hour last night with Your Lordship's dispatch marked No. of the 30th ultimo and a packet addressed to the Prince of Orange.

Having immediately sent that intended for His Royal Highness to his residence accompanied by a note requesting an early audience upon the subject of the instructions received from Your Lordship, I endeavoured to make myself master of the objects and reasoning contained in those instructions, and at nine o'clock this morning I had an interview with His Royal Highness by appointment, for the purpose of endeavoring to carry them into effect.

I found His Royal Highness perfectly inclined to place himself at the disposal of the British Government on each of the points contained in Your Lordship's dispatch. He very fully admitted the extent, and in strong terms expressed his grateful sense of the magnitude of the additional sacrifices which my Government proposed to make for the interest of his States. He also admitted the difficulties which the Prince Regent's Ministers might have to encounter in reconciling the British public to burthens of such magnitude as were in contemplation, and the consequent necessity of having something to hold out in the nature of an equivalent for their immediate advantage.

The proposal therefore of Your Lordship to take upon the British Government the charge of one million of pounds sterling for the purpose of indemnifying Sweden for the loss of Guadeloupe and in satisfaction of her claims, and that Great Britain should further set apart the sum of two millions to be employed in pro-

gressively fortifying a barrier for His United States, the Prince of Orange is willing to accept; and has repeated his expressions of gratitude for the probable charge in which Great Britain is likely to be involved of a further sum of three millions sterling on account of the Russian debt. In return for such sacrifice His Royal Highness will agree

First, to stipulate for the payment of an equal sum towards the fortifications of his frontier.

Secondly, that the sums thus to be advanced by both should be expended in concert by the two Governments in carrying the projected works into execution.

Thirdly, that the Cape of Good Hope and the Colonies of Demerary, Essequibo, and Berbice should be retained by Great Britain, giving however to His Royal Highness's subjects the right of trade with each equal to that intended to be afforded to British subjects, and

Fourthly, His Royal Highness is willing to accede to Your Lordship's proposal of taking the island of Banca in exchange for Cochin.

Upon these proposed stipulations upon the part of His Royal Highness some observations and qualifications arise.

On the first he is aware that any further sum beyond the four millions sterling which may be required for the completion of an adequate fortified frontier must be borne out of the resources of His own States.

On the second His Royal Highness is desirous that the stipulation should state generally that the works should be carried on in entire concert between the two Governments, by which means they might from time to time mutually agree as well on the plans as means of execution, rather than that both Governments should be tied up by a specific stipulation respectively to employ their engineers in co-operation with each other, which might perhaps be found inconvenient, and whose conjunct employment would not if thought expedient be precluded by the more general words.

Upon the third Your Lordship will observe in the first instance that there is a difference between the stipulation proposed by the Prince of Orange, and the proposal contained in your dispatch, inasmuch as the latter offers to give the subjects of His Royal Highness a right to import their property from the retained islands in their own vessels and to their own ports; whereas the former

takes this as a right of trade with each of the Colonies retained, equal to that intended to be afforded to British subjects.

Having conceived it to be my duty to open the subject of Your Lordship's dispatch upon this point as nearly as possible in the words of the instruction, His Royal Highness immediately observed that a bare permission to import their own property by the proprietors into the ports of Holland would place a limit upon their trade which he hoped was not intended, that to an equal right of trade as well of export as of import he should not object, and trusted that this was what was really meant by the proposition advanced.

Forming my construction upon a subsequent part of the dispatch in which it is said "That the Prince of Orange and his subjects would sacrifice nothing by leaving Great Britain to defend these Colonies for the joint commercial advantage of the two nations," it did appear to me that a perfect equality was intended, and I therefore acquainted the Prince that such was my opinion.

With respect to the omission of the particular vessels by which this trade is proposed by Your Lordship to be conducted, this arises from an observation of His Royal Highness that if to constitute a Dutch ship it should be required that she should be Dutch built, all advantages of the proposed trade must be for the present nugatory to his subjects; for that the destruction of their trade for some years back had carried with it the destruction of their shipping, and that though he was desirous of encouraging ship building in his States and should therefore have no objection to the limitation at a future period, yet that for some time to come it would be impossible to enjoy any advantage by the trade if limited to Dutch built ships. He therefore hoped that some indulgence would be shewn, and that at least for a limited period ships Dutch owned should be considered as Dutch built for the purpose of carrying on this trade. I told him that he seemed to me to have doubted, not without reason, upon the nature of the vessels required to be employed in this trade, and that as our vessels employed in commerce with our Colonies were required to be British built as well as British owned, I did suppose that it was in Your Lordship's intention to require that his subjects should employ Dutch built ships in their trade with these Colonies, but that from what he now said, I should not fail to convey his wishes to Your Lordship.

✓ What the Prince advanced respecting the want of Dutch built shipping I have reason to believe is perfectly correct, Your Lordship will recollect that when the late Act for the permission of trade between the Dutch and their former colonies was sought on the part of this Government, it was a main part of the object, that British built ships might be employed, and in point of fact up to the time of my leaving the Hague not a single licence had been issued under the Act of Parliament, which would scarcely have been the case if considerable difficulties had not occurred respecting the shipping to be employed. Should it be, as I conceive it, the intention of the Prince Regent's Government to give a full participation to the Dutch in the trade of the retained Colonies, I should humbly take the liberty of suggesting that a precedent exists in the Portuguese Treaty for considering ships of the build of a country, if owned by its subjects, and that it would be favorably taken if for a limited time (say three or four years) ships owned and manned by His Royal Highness's subjects, though not built within his territories, should be considered as Dutch ships for the purpose of carrying on this trade; and perhaps it might also be advisable and would be considered as an additional facility that British ships, properly such, should also be admitted into the carrying trade between the retained colonies and the ports of the United Provinces.

His Royal Highness next enquired whether it was intended that the Dutch should in the commerce proposed to be permitted be tied up to the payment of British duties. I told him that Your Lordship had mentioned nothing to me upon this subject, neither was I aware what the plans in contemplation of my Court were with respect to the alteration of custom house duties in consequence of the peace, but that it seemed to me not only that for the trade to be equal, both countries must be subject to the same duties, but that in point of fact an inequality of duty must necessarily divert the whole trade to the country where the lesser duties were exacted. This seemed to satisfy the Prince.

He next wished to know whether under the retention proposed, it was intended to permit his subjects, either those already possessed of plantations, or those who might desire to become for the first time possessed of property in these colonies, the one to extend their property, the other to become purchasers of new acquisitions; and whether colonists Dutch by birth or of Dutch

family being disposed to part with their property would be left at liberty freely to do so, and to return under his allegiance to his European territories. I told him that it was impossible in the scope of a dispatch for Your Lordship to have gone into all these details; but that I could have no doubt upon these and all similar points the British Government was inclined to act with the utmost liberality.

The only other point mentioned by His Royal Highness upon this part of the subject was, his hope and reliance that his subjects would be entitled to the same measure of justice in the retained colonies under our administration as should be afforded to those of His Majesty. I did not hesitate to assure him that I would take it upon myself to make his mind easy in this respect, and that he might well rely upon an equal administration of the laws to all persons under British protection in every part of His Majesty's dominions.

Upon the fourth proposal made by Your Lordship and acceded to by the Prince of Orange, since I left His Royal Highness, a kind of doubt has been stated by M. Falck, the General Secretary of State. He, as well as the Prince, is of opinion that the exchange of Cochin for the island of Banca will be advantageous to the Dutch, but the Secretary of State doubts (not invidiously however) our title to Banca, and has waited upon me to enquire upon what it is founded. I have answered him upon unlitigated possession, which he admits to be sufficient if the fact of possession is established; and as Your Lordship can easily satisfy M. de Fagel that we do not propose to give as an equivalent that which it is not in our power to transfer, the doubt started by M. de Falck cannot have the effect of protracting the termination of the business.

M. de Falck is now preparing full instructions on all his Royal Highness's proposals for His Excellency M. de Fagel, which will be forthwith forwarded with this dispatch by the messenger Lyell.

In the whole course of my interview with His Royal Highness and subsequently with M. de Falck, I found both extremely desirous of meeting Your Lordship's wishes upon the whole of this subject; their only anxiety in opposition to this appears to be, that they may stand fair with their own States General, and admitting fully the necessity of satisfying the British public by holding out substantive advantages for the burthens they were

about to incur, they only express a wish that in the mode of doing so, all practicable care, consistently with the object, should be taken, that this Government should not appear to have neglected the interests of their own subjects. I have etc.

(Signed) CLANCARTY.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by a Proclamation bearing date the 9th day of October, 1811, it is provided that if, upon view of such Goods, Wares, and Merchandise, (as have been entered, ad valorem, at the Custom House, for Importation or Exportation, by the declaration of the Proprietor, Agent, or Factor), it shall appear to the proper Officer of the Customs, "That they are not valued according to the true price thereof, and according to the true intent and meaning of that Proclamation, then the proper Officer or Officers, shall detain such Goods, Wares, and Merchandise, and cause them to be properly secured, and take them for the use and benefit of His Majesty ; and cause the said Goods, Wares, and Merchandise, to be publicly sold, on account of His Majesty ; and at the expiration of three months, from the date of the Sale, the Collector of His Majesty's Customs shall pay, or cause to be paid, to the Proprietor, Agent, or Factor aforesaid, the value thereof so ascertained as aforesaid, together with an addition of 10 per cent thereon, without any other allowance, charge, or expence, whatsoever ; which payment, so made to the Proprietor, Agent, or Factor of such Goods, Wares, and Merchandise, shall be in full satisfaction for the same to all intents and purposes whatsoever."

And by a further Proclamation, dated the 8th day of January, 1813, the aforesaid Regulation is extended to the purposes of the said Proclamation of the 8th of January, 1813. Now therefore, be it hereby made known, that considerable inconvenience has been found to arise from the advantage granted to Merchants, under the clause aforesaid, which has in consequence, been repealed and done away at the Custom Houses in Great Britain.

And whereas, it is expedient to assimilate the practice of this

Colony, to that of Great Britain, in this instance, it is therefore hereby declared, that the aforesaid clause in the Proclamation of the 9th of October, 1811, is henceforward to be considered null and void. And in lieu thereof, it is hereby ordered and enacted, that from and after the date of these presents, in all cases of Import or Export, the Duties upon which are, by the laws now in force, payable, ad valorem, calculated thereon from the declaration of the Proprietor, or his Agent, or Factor, if upon view of such Goods, Wares, and Merchandise, by the proper Officer or Officers of the Customs, it shall appear to him or them, that they are not valued according to the true price thereof at this place, then the proper Officer or Officers shall detain such Goods, Wares, or Merchandise, and cause them to be properly secured, and take them for the use and benefit of His Majesty; and cause the same to be publicly sold, on account of His Majesty; and at the expiration of three Calendar months, from the day of the Sale, the Collector of His Majesty's Customs shall pay, or cause to be paid, to the Proprietor, or his Agent, or Factor aforesaid, the value thereof so ascertained by his declaration aforesaid, without any other allowance, charge, or expence whatsoever, which payment, so made to the Proprietor, Agent, or Factor, who shall have entered the Goods, Wares, or Merchandise, by declaration of their value as aforesaid, shall be in full satisfaction for the same, to all intents and purposes whatsoever.

And it is hereby further ordered and directed, that in case there shall be any overplus remaining from the produce of such Sale, after deducting the value so ascertained as aforesaid, and of the Duties payable thereon, and of the charges arising from the Warehousing and Sale of such Goods, Wares, or Merchandise, the Collector of His Majesty's Customs is hereby authorized to dispose of such overplus, in the manner pointed out in the aforesaid Proclamation of the 9th October, 1811.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope,
this 5th day of August, 1814.

(Signed) C. H. SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, August 7th 1814.

MY LORD,—I have the honor to inform Your Lordship that on my assuming the command of the Forces in this Colony, I received from Lieutenant General Sir John Cradock two letters addressed to him by Colonel Torrens relative to the embarking the 93rd Regiment, and the holding in readiness for embarkation the 1st Battalion of the 83rd Regiment for Europe, copies of which I have the honor herewith to enclose to Your Lordship together with the copy of a letter I have by this opportunity addressed to Colonel Torrens, stating my reasons for detaining the 83rd Regiment here until I shall receive instructions.

I shall be much gratified to learn that my detaining that Regiment has met with Your Lordship's approbation. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LORD CHARLES SOMERSET to LIEUTENANT COLONEL TORRENS.

CAPE OF GOOD HOPE,
GOVERNMENT HOUSE, August 7th 1814.

SIR,—Your letters of the 13th of October and 18th November 1813 addressed to Lieutenant General Sir John Cradock (both received by him on the 16th March last) are now before me, the former ordering the 93rd Regiment to be embarked for Europe as soon as tonnage should arrive for its conveyance, and the latter directing the 83rd Regiment to be held in readiness for embarkation on the arrival of the 72nd Regiment from the Isle of France.

The 93rd proceeded under convoy of His Majesty's Ships *Clorinde* and *Semiramis* on the 1st of May last. The 72nd arrived from the Isle of France on the 26th ultimo, but as your letter to Sir John Cradock concludes by an assurance that "early measures would be adopted for sending a corps to replace the 93rd here," which assurance was also given to me by His Royal

Highness the Commander in Chief himself (when I had the honor to take my leave of His Royal Highness on my quitting England) it is evident to me that it is the intention of His Majesty's Government to continue at least Three Regiments of Infantry at this place. This circumstance together with the knowledge that the purpose for which the service of the 83rd Regiment was required in Europe (to reinforce the Duke of Wellington's Army) has altogether ceased, and that the reduction of the military force here at the present moment would entirely take away the means of prosecuting and completing a work, not only of the utmost importance and benefit to this Colony, but one of necessity to the Naval Establishment lately formed at Simons Bay, viz. making a road to Simons Town, the excessive badness of which had already raised the naval contracts to an enormous height and which if not undertaken would in a short time have become so impassable that I doubt the possibility of finding persons willing to supply the Naval Department there on any terms whatever. Weighing therefore all these circumstances together with that of 986 men of the 1st Battalion of the 60th Regiment out of 992 being for limited service (the expiration of whose services will be seen by the enclosed return) whilst in the 1st Battalion of the 83rd Regiment 883 out of 900 are enlisted for life, I have considered that I should best discharge my duty and I anxiously trust should at the same time do that which would be most likely to obtain His Royal Highness the Commander in Chief's approbation and fulfil the intentions of His Majesty's Government, by detaining the 83rd Regiment in this Colony until I shall receive further instructions respecting it.

I am conscious, Sir, that I have taken a degree of responsibility upon myself, but as the orders respecting the two regiments are so differently worded, one "to be immediately embarked on the arrival of tonnage for its conveyance," and the other, "To be held in readiness for embarkation on the arrival of the 72nd Regiment," I conceive that a discretion is given me, and if I have used it improperly I trust His Royal Highness will believe that I have erred from an over anxiety to benefit the service. I have etc.

(Signed) CHARLES HENRY SOMERSET,
Lt. General Commanding the Forces at the Cape of Good Hope.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, August 8th 1814.

MY LORD,—Being apprized of the favourable sentiments entertained by Your Lordship and His Majesty's Government for the family of the late Chief Justice in this Colony (Mr. Van Ryneveld) and the great respect due to his memory, I have the honour to state to Your Lordship that I availed myself of the opportunity afforded by the death of the late very respectable Landdrost of Stellenbosch (Mr. Van Andringa) to evince those sentiments, by appointing the late Mr. Van Ryneveld's eldest son to succeed Mr. Van Andringa.

As this office is held in the highest estimation for its respectability in this Colony, I trust that this appointment I have made will be satisfactory to Your Lordship. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from THOMAS LACK, ESQRE, to HENRY GOULBURN, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
WHITEHALL, 10th August 1814.

SIR,—I am directed by the Lords of the Committee for Trade to acquaint you for Earl Bathurst's information that in consequence of the communication conveyed in your letter of the 22nd April last, respecting the disadvantages to which the trade of the Cape of Good Hope is at present exposed, their Lordships thought fit to take the opinion of His Majesty's law officers on the points adverted to in Mr. Courtenay's letters, and I herewith transmit a copy of the case which was submitted to the said officers and of their opinion in answer thereto. I am to add that the Lords of this Committee have applied to the President of the Board of Control to be informed whether that Board see any objection to an application to Parliament in the next Session, for an Act to legalize the importation from the Cape of Good Hope, of goods, the produce of countries to the eastward thereof.

I am etc.

(Signed) THOMAS LACK.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, August 13th 1814.

MY LORD,—By His Majesty's ship *Desirée* I have had the honor to receive your Lordship's dispatches in duplicate Nos. 2, 4, 5, 6 and 7 and the Circular Letters dated the 27th April and 2nd May, the originals of which have been since received by the Cape Packet which had been forced into Corunna by stress of weather.

The different points of Your Lordship's commands will be strictly attended to, and I shall have the honor to communicate to Your Lordship at a future period such observations as shall arise from the consideration of the several subjects of Your Lordship's letters. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from the Foreign Office to the EARL OF CLANCARTY.

FOREIGN OFFICE, August 13, 1814.

MY LORD,—Upon the receipt of Your Excellency's dispatch No. , I proceeded with the negotiation which I had commenced with the Dutch ambassador, and have now the satisfaction of transmitting to Your Excellency copies of the Conventions which have been signed with the Dutch and Swedish Ministers.

I hope that the Prince of Orange will find that his interests have been liberally considered in these instruments. You will perceive we secure to his subjects a trade not only with the ceded possessions, but with the whole of our Empire in the East.

The supplementary Convention will require consideration in its commercial details. There is every wish here to act liberally. There will be no difficulty in giving Holland the benefit of the Portuguese arrangement as to the Ships, at least for a given period. I shall have an opportunity of conversing with Your Excellency on this part of the subject when we meet.

I enclose some information with respect to Banca and Cochin, which will shew you that Holland is not likely to be a loser by this exchange.

[Original.]

*Extract from a Letter from EARL CLANCARTY to
W. HAMILTON, ESQRE.*

BRUSSELS, August 19, 1814.

The treaty relative to the Colonies has satisfied the Prince, and the form, as calculated to be palatable to his own States General, is approved; and I have reason to believe that the Dutch Ambassador in London will receive the approbation of his Government more than by the bare act of ratification. All this is therefore well.

(Signed) CLANCARTY.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been reported to me, that there are strong grounds for believing that the wife of T. J. de Necker, Inhabitant of this Town, and who was found dead in a Well situated in the Yard behind the dwelling House of the said de Necker, has been barbarously murdered: I, for the better apprehending and bringing to Justice the Person or Persons concerned in the above atrocious Crime do hereby promise a full Pardon to any of them, except the Person or Persons who actually committed the aforesaid Murder, who shall discover his or their Accomplice or Acccomplices, so that he or they may be apprehended and convicted thereof.

And, as a further encouragement, I do hereby offer a Reward of Five Hundred Rixdollars, to any Person or Persons, as aforesaid, except as is before excepted, together with Freedom to a Slave, should the Information be given to His Majesty's Fiscal by such.

And in order to give the fullest publicity to this my intention, besides the usual means of making the same known, I do hereby direct each and every Wardmaster of this Town, to appoint and assemble one Slave from every House in their respective Wards, and explain, or cause to be explained to such Slaves so assembled, in the Dutch and Portuguese Languages, the full meaning of this Proclamation, so that none may remain ignorant thereof: And I

do further direct the respective Wardmasters, to report to His Majesty's Fiscal, their having complied with this Instruction, within 48 hours from the date hereof, as they shall answer for the contrary at their peril.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 19th day of August, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me that a very atrocious Murder has been committed in the night of the 16th and 17th instant, on the person of Lakey, Slave of the Widow of the late T. Jurgens:

(The remaining clauses identical with those of the preceding Proclamation.)

19th August 1814.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th of August 1814.

This Return shows 175 officers of all ranks at the Regimental Head Quarters or on detached duty at the Station, and 78 officers of all ranks on Staff employ.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers, and Rank and File of the Several Corps serving in the Cape of Good Hope, 25th of August 1814.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.					
		Sergeants.	Trumpeters and Drummers.	Present and fit for Duty.	Sick.	On Command.	Total.
21st Light Dragoons . . .	Cape Town	53	10	760	23	96	879
Royal Artillery	Do.	6	5	311	9	2	322
Gunner Drivers	Do.	3	1	91	2	..	93
Royal Sappers and Miners	Do.	2	..	12	..	..	12
60th Foot	Simon's Town	56	21	589	20	376	985
72nd Foot	Cape Town	55	21	859	21	2	882
83rd Foot	Do.	55	22	862	30	..	892
Cape Regiment	Graham's Town	36	19	..	..	781	781
Garrison Company . . .	Algoa Bay	10	4	6	..	135	141
	Total	276	103	3,490	105	1,392	4,987

(Signed) C. H. SOMERSET, General.

[Original.]

Letter from EARL CLANCARTY to VISCOUNT CASTLEREAGH.

BRUSSELS, 26 August 1814.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's dispatch marked No. of the August 1814, conveying the copies of the Conventions signed with the Dutch and Swedish Plenipotentiaries, on the subject of the Colonies of

the former and indemnity to the latter for the cession of Guadeloupe and also the two memoranda respecting the Island of Banca and the Territory of Cochin.

Upon this subject I have only to add that His Royal Highness the Prince of Orange has expressed himself to me as being perfectly satisfied with the arrangements made by these Conventions and more especially with the form of that in which his Government is a party, and that this Instrument has already received his ratification. I have etc.

(Signed) CLANCARTY.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me, to be indispensable that some new arrangements should take place to ensure more punctual attention to, and compliance with the requisitions for Waggons in Cape Town and its Environs, directed to be impressed for the Public service; I have therefore taken this circumstance into my most serious consideration, and in order to prevent irregularities and the delays occasioned by disputes or excuses, I have deemed it expedient and necessary to order and direct, as I hereby do order and direct, that the following Regulations shall be henceforth strictly enforced in Cape Town and its Environs:

1. A Waggon-Master shall be appointed with a Salary, who shall reside in Cape Town, under the immediate orders of His Majesty's Fiscal, or Deputy Fiscal;—all his requisitions verbally or in writing, shall be obeyed punctually and without the least delay by all proprietors of Waggons, Carts, Oxen, or Mules, residing in Cape Town, or on this side of the Blueberg, Vissershok, Tygerberg, the South part of the Cape Duynen, in a direct line from Tygervalley, towards the Sea Shore of False Bay inclusive.

2. There shall only be exempted from these requisitions the principal Officers of the Civil Departments, the Officers and others belonging to the Garrison, the Contractors for Bread for His Majesty's Naval and Military Forces, which latter shall only be exempted for such Waggons as they shall prove to the satisfaction

of His Majesty's Fiscal or Deputy Fiscal, to be necessarily employed by them in the fulfilment of their Contracts, and the Licensed Bakers of this Town, for one Waggon each.

3. Every proprietor of Waggons, Carts, Horses, Oxen, or Mules, in the Cape Town, or within the limits pointed out in the 1st Article, including the said Military and Naval Contractors, shall send to the Fiscal's Office on or before the 10th September next a List containing the exact number of his Waggons, Carts, Horses, Oxen, or Mules, under his signature, in default whereof, he shall forfeit a penalty of Fifty Rixdollars, to be divided one half to the Informer, and the other to the Waggon-Master.

4. The Waggon-Master having received these Lists, shall draw out a general return of *all Waggons, Carts, Horses, &c. under the Superintendance of the Deputy Fiscal*, and give to each Waggon or Cart a number, and furnish Copies of said return to the Fiscal's Office, the Landdrost's Office, the Office of the Secretary of the Burgher Senate, and to the 1st Undersheriff, to be had recourse to when needful, and to be inspected by every person choosing so to do, and further he shall cause a Copy to be affixed at the Public Town Hall.

5. The Waggon-Master shall, under the superintendance aforesaid, draw out new Lists every six months, and affix the same in the Town Hall, and forward Copies to the Field-Cornets of the Cape District within the said limits, and to the Offices specified in the preceding Article.

6. Should any Proprietor of Waggons, Carts, Horses, Oxen, or Mules, within the said limits, dispose of the same by sale or otherwise, he shall report the change to the Waggon-Master in writing, within three days, and, in case of neglect, be subject to a penalty of Fifty Rixdollars, to be divided one half to the Informer, and the other half to the Waggon-Master.

7. The Waggon-Master shall call upon every Person on the general Return above alluded to in his turn, without any partiality or distinction, and be liable to dismission from his situation, should he impress, without sufficient cause, of which His Majesty's Fiscal shall be the Judge, any Waggon, Cart, Horses, &c., twice, while there remain any others unimpressed upon the List.

8. Any Person refusing or neglecting to comply with the requisition of the Waggon-master, shall be reported by him to His Majesty's Fiscal or Deputy Fiscal, and be liable to a penalty

of 50 Rds. upon proof thereof, one half of which sum is to be paid to the Waggon-Master, and one half to the Person whose Waggon &c. was employed in lieu thereof, the payment of which penalty, however, shall not excuse such Person from furnishing the next Waggons required, though not then the next upon the List.

9. Any Person refusing the payment of the above penalties, shall be summoned before the Commissioners of the Court of Justice, and proceeded against as the Law directs.

10. Any Person, conceiving himself called upon for his Waggons, Carts, Oxen, Horses, or Mules, out of his proper turn, or to be in any other manner ill-treated and oppressed by the Waggon-Master, is, in the first place, to comply with the requisition, and then be at liberty to lodge his complaint with His Majesty's Fiscal or Deputy Fiscal, in order that the matter may be investigated, and if the Waggon-Master should be judged to be guilty, His Majesty's Fiscal is to report him to the Colonial Secretary for my information, in order to his being dismissed from his situation, or to such steps being taken respecting him, as the nature of the case shall appear to require.

11. The Waggon-Master is to draw up a regular account of all Waggons impressed for the Public Service every two months, and pay the amount, received for the requisitions, to the Deputy Fiscal, within 12 hours, on pain of being dismissed.

12. All Persons having claims for Waggons, &c., shall call for payment on the Deputy Fiscal, at the end of every two months, from the date of their Waggons, &c., having been furnished for public use.

13. The Deputy Fiscal shall, when called upon, state to the Deputy Quarter Master General, what Waggons have been paid for, and, if any remain unpaid for after the expiration of the two months, the reasons of such non payment.

14. The Waggon-Master shall, on no account, impress any Waggon from the Country Districts coming to Cape Town, unless specially directed so to do.

15. The present Regulations will not excuse the Field Cornets of the Cape District, from keeping the Lists ordered by the 3rd Article of the Proclamation of the 16th July, 1806, and from acting in such cases as directed by the said Proclamation, and the Proclamation of the 12th March, 1813.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 26th day of August, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

*Letter from MESSRS. ELPHINSTONE and INGLIS to the
EARL OF BUCKINGHAMSHIRE.*

EAST INDIA House, 30th August 1814.

MY LORD,—We have the honor to transmit to your Lordship a statement of the loss sustained by the East India Company at the Cape of Good Hope in consequence of the sequestration of their property at that Colony at the commencement of hostilities in 1803, and also by the non-payment of sundry bills of exchange which were drawn by the Dutch Government at the Cape in favor of the East India Company's Agent, upon the Asiatic Council in Holland.

The total of these losses as exhibited in the statement herewith transmitted, your Lordship will perceive amounts, with Interest calculated to the present time at 5 per Cent per annum, to the sum of £79,455 9s. 7d., and we conceive that incurred as it has been by the East India Company in their commercial character, the Company possess as equitable a claim for reimbursement as can be urged by any individual merchant under similar circumstances.

We finally intreat your Lordship's good offices, that this claim on the part of the East India Company may be brought to notice, in any negotiation now pending between the respective Governments of Great Britain and Holland. We have etc.

(Signed) H. J. ELPHINSTONE,
JOHN INGLIS.

[Enclosure in the above.]

Loss sustained by the East India Company in consequence of the sequestration of their property at the Cape of Good Hope in

October 1803, and also by the non-payment of sundry bills of exchange which were drawn by the Dutch Government at the Cape on the Asiatic Council in Holland.

	Rx. Drs.
Currency of the Colony of the Cape of Good Hope sequestrated by the Dutch Government there	189,887 1 4
Estimated value of sundry goods and merchandize	40,000 0 0
	<hr/>
	Rx. Drs. 229,887 1 4
	<hr/>
At 25 per Cent premium, the rate of exchange for bills at the time in £ sterling	£36,781 18 8
Interest from October 1803 to August 1814, 10 years and 10 months, at 5 per Cent	19,923 10 11
	<hr/>
	£56,705 9 7
Bills of exchange drawn by the Dutch Govern- ment at the Cape of Good Hope on the Asiatic Council in Holland in favor of John Pringle, the East India Company's agent there, these bills not having been received in England until after the commencement of hostilities in 1803, payment thereof was refused	Current Guilders. 182,000
Interest from August 1804 to August 1814, 10 years at 5 per Cent	91,000
	<hr/>
	Current Guilders 273,000
say at 12 to the £ sterling	22,750 0 0
	<hr/>
	£79,455 9 7
	<hr/>

[Copy.]

Extracts of a letter dated 1st September 1814, from SIR JOSEPH BANKS to GEORGE HARRISON, ESQUIRE.

In obedience to the commands of Lord Liverpool, communicated to me by you, I beg leave to state to you, for his Lordship's information, such remarks as occur to me on the subject of the Royal Botanic Garden at Kew, as well as the means that appear in my judgment the most likely to continue to that establishment the superiority it has hitherto held over all similar institutions, in the opinion of foreigners as well as of Englishmen, and which, in fact, it still continues to hold, though somewhat impaired by the

interruptions of commerce during the last war, or rather by the necessity of convoy, the uncertainty and delays of which has for some years past rendered the transport of living plants all but impossible, and induced the King to desist almost wholly from sending out collectors, as His Majesty had before been used to do.

The only Botanic Garden that has hitherto held any competition with the Royal Gardens at Kew is that of the Emperor at the imperial palace at Schonbrun, near Vienna. This collection of plants was raised at an expense more suited to the pleasures of an emperor than to the sober expenditure of public money: ships were freighted for the sole purpose of bringing home living plants from both the Indies, and men of education, some of whom have since become eminent as naturalists, were sent abroad, with salaries adequate to their station in life; hot-houses and conservatories were built, on a scale in which magnificence was more consulted than economy; and yet the Royal Garden at Kew, where that well-considered economy for which our revered Monarch was ever so highly respected, was never for a moment forgotten, in a short time excelled those at Schonbrun, and at present is considerably richer in more rare, curious and interesting plants.

The plan of collecting at Kew, as established by His Majesty's commands, has hitherto been, to employ those young gardeners, educated in the garden, who showed the most inclination to, made the greatest proficiency in botanical pursuits, and were best skilled in the scientific arrangement of the plants in the garden. Among the many young men who work there in the hope of being recommended to gentlemen's families as gardeners when they have learned the art, some were always to be found whose dispositions led them to the study of botany, and whose talents enabled them to excel in it; among these, the best were selected, and it is remarkable that I do not recollect one instance of a man well acquainted with the plants in the garden who did not feel an ambition to be employed as a collector.

The establishment of a Kew collector was, forty years ago, one hundred a year as wages, and he was allowed to draw bills for travelling expenses and board wages to the amount of two hundred more; but this he was not allowed to exceed; in fact, it was in almost all cases enough, and was never exceeded, without a satisfactory explanation being given. In no one instance, as far

as I recollect, has censure been passed on any one of these collectors.

As the value of money is now so much greater both at home and in our colonies than it was forty years ago, when the establishment of a collector for Kew Gardens was first arranged, I beg leave to propose, that in case Lord Liverpool should decide upon employing such young men at present, their salaries may be fixed at £180 a year ; of this they will be expected to save £150 at the least, to accumulate at home, for their ultimate reward and provision on their return ; the remaining £30 it is presumed, will be quite sufficient to furnish them with clothes, and pocket-money enough, to render them respectable among their equals.

This plan of economy, I have no doubt, they will follow nearly, if not exactly ; if they do not, their conduct abroad will be distrusted, and they will either be recalled, if it proves at all incorrect ; if not, they will, on their return, have no claim on Government in any shape, for they will have had the power of saving, if they continue ten years abroad, a sum quite sufficient to enable them to gain admission into the firm of some respectable nursery garden, the best possible provision a man educated as a gardener can look up to.

Some incidental expenses to Government will no doubt be incurred, in providing for passages by sea ; but these cannot be considerable, if the collectors are allowed, on all possible occasions, to be sent on board King's ships. Former collectors have, in this case, been allowed to mess with the warrant officers, whose mess extraordinaries are, of course, very moderate, and this will be the whole of the charge.

What the expense of living in and travelling over the countries to which they may be sent, I am utterly unable to calculate. That every thing is now much dearer in all our distant dependencies than it was twenty, or even ten years ago, cannot be doubted. In order, however, to reduce as much as may be the amount of these extra charges, the collectors must be directed by their instructions not to take upon themselves the character of gentlemen, but to establish themselves, in point of board and lodging, as servants ought to do ; and if the Governors of the places they visit are instructed to supply them with the use of slaves, bullocks, waggons, &c. from the public stores, and, above all, to grant them the use of the bullocks, &c. which the peasants

of the Cape of Good Hope are obliged to provide gratis for those who travel on the account of Government, neither the cost of living, nor the charge of travelling, can amount to any serious sum. The better to check all unreasonable expenditure, I am willing, if Lord Liverpool thinks it would be advantageous to the undertaking, to audit the accounts sent home by the collectors, and certify them to the Treasury, when sent there for their Lordships approbation.

If by these expedients the amount of the board-wages and travelling expenses can be kept within £220 a year, as fairly may be expected, the whole of the regular annual expense of each collector, which was formerly £300 a year, will not exceed £400 ; which, it is hoped, will not be deemed unreasonable, as the persons employed are not allowed to have any claim upon Government for their services, when they shall have been completed.

If Lord Liverpool shall honour this arrangement with his approbation, and direct it to be carried into execution, I beg leave to propose two persons, Allan Cunningham and James Bowie, who are ready to undertake the business of collectors, indeed anxious in the extreme to obtain the appointment ; both of these men are, in Mr. Aiton's opinion, perfectly qualified to execute the business ; they have both been educated at Kew, where Cunningham still continues ; Bowie lives at present in a gentleman's service as gardener, but is ready to quit it at the shortest warning, should he be so fortunate as to succeed.

It is proposed, in the first instance, to send these two persons together to the Cape of Good Hope, where two people may for one season be advantageously employed in collecting such plants as have formerly been in the Royal Gardens, and whose names still remain in the printed catalogues, though they have died from old age before the means of increasing them could be discovered ; most of these will be found near the Cape Town, and it is hoped that in searching for them other novelties will be met with.

When this business of replacing plants that have been lost is ended, the one of the collectors may be sent to New South Wales, and the other may commence his journeys to the distant parts of the Cape country, where, especially on the southern and south-eastern shores, there still remain vast tracts of unexplored country, the plants of which may be kept in this climate without the expense of hot-houses, and are of course more applicable to

ornamental uses, and more suitable to foreign trade, than those intertropical productions whose existence depends on a strong degree of heat; these of course seldom flower well, and when they do cannot be placed in our rooms, if the weather is cold, without the greatest hazard of their entire destruction.

In New South Wales an infinite number of curious and beautiful plants, seen and described by Mr. Brown, naturalist in the voyage of the *Investigator*, are still wanting in our gardens; these also are cultivated in conservatories and green-houses, none of them requiring a stove. In the case of Van Diemen's Land, where many beautiful plants are found, we have every reason to hope that most of them will bear the cold of our winters, and become the ornaments of our open gardens.

Although it is but a few months since our friendly relations with the continent have been resumed, the following applications for plants from the Royal Gardens have already been made.

To His Royal Highness the Prince Regent:

From the King of Bavaria.

From the Duke of Saxe Weimar.

To the Queen:

From the dowager Empress of Russia.

From the Queen of Wirtemburgh.

To His Majesty's Ministers:

From the university of Leyden.

To the Superintendent of the Gardens:

From the imperial gardens at Schonbrun.

From the Teylerion society at Leyden.

From the university of Erfurt.

On this latter head I shall consider it as my duty to regulate the correspondence between the superintendent of His Majesty's and those of Foreign Gardens, in such manner as to prevent the direct intercourse between the superintendent of Kew Garden, and the persons who correspond with him, from being so advantageous to the gardens where plants are received, as those to which collections are sent by command of the Queen, or the Prince Regent, or under the orders of His Majesty's Ministers.

The commerce of living plants is at present of some importance,

and promises in time to improve; the orders already received from the continent are not inconsiderable, and but for the extreme poverty of the whole of Europe, would, before this time, have become an object worthy of consideration. This commerce must continue to improve, if new plants that are beautiful and interesting continue to be introduced into England; when sovereigns have obtained such plants from the Royal Gardens, their subjects will seek to procure them from our nurserymen.

The domestic trade of plants, supported far above its natural level by the use of growing plants in all expensive entertainments, so much patronized by the Regent, maintains a race of sober, healthy and industrious population, daily on the increase. This also will be maintained and increased by the introduction of beautiful novelties. These considerations, it is hoped, will induce His Majesty's Ministers to foster an establishment, Kew Gardens I mean, which does honour to the science of the country, promotes in some degree its commerce, aids its population, and enables the Sovereign and his Ministers to make acceptable presents to crowned heads, without incurring any expense in providing them.

[Original.]

*Convention between HIS MAJESTY and H.R.H. THE
PRINCE OF ORANGE.*

In the Name of the Most Holy and Undivided Trinity.

The United Provinces of The Netherlands under the favour of Divine Providence having been restored to their Independence, and having been placed by the Loyalty of the Dutch People and the Atchievements of The Allied Powers under the Government of the Illustrious House of Orange: And His Britannick Majesty being desirous of entering into such arrangements with the Prince Sovereign of The United Netherlands concerning the Colonies of the said United Netherlands which have been conquered by His Majesty's Arms during the late War, as may conduce to the Prosperity of the said State, and may afford a lasting Testimony of His Majesty's Friendship and Attachment to the Family of Orange, and to the Dutch Nation, the said High Contracting Parties equally animated by those Sentiments of cordial Good Will and attachment to each other have nominated their Pleni-

potentiaries—namely, His Majesty The King of The United Kingdom of Great Britain and Ireland, The Right Honorable Robert Stewart, Viscount Castlereagh, One of His said Majesty's Most Honorable Privy Council, Member of Parliament, Colonel of the Londonderry Regiment of Militia, Knight of the Most Noble Order of the Garter, and His Principal Secretary of State for Foreign Affairs &c. &c. And His Royal Highness The Prince of Orange Nassau, Prince Sovereign of The United Netherlands, His Excellency Henry Fagel, His Ambassador Extraordinary and Plenipotentiary at the Court of His Britannick Majesty—who, after having exchanged their full Powers, found in good and due form, have agreed to the following Articles.—

ARTICLE I.

His Britannick Majesty engages to restore to the Prince Sovereign of The United Netherlands, within the term which shall be hereafter fixed, the Colonies, Factories and Establishments which were possessed by Holland at the Commencement of the late War, vitz.—on the 1st of January 1803, in the Seas and on the Continent of America, Africa, and Asia, with the exception of the Cape of Good Hope, and the Settlements of Demerary, Essequibo, and Berbice, of which Possessions The High Contracting Parties reserve to themselves the Right to dispose by a Supplementary Convention hereafter to be negotiated according to their mutual Interests, and especially with reference to the Provisions contained in the 6th and 9th Articles of the Treaty of Peace signed by His Britannick Majesty with His Most Christian Majesty on the Thirtieth of May 1814.

ARTICLE II.

His Britannick Majesty agrees to cede in full Sovereignty the Island of Banca in the Eastern Seas to the Prince Sovereign of The Netherlands, in exchange for the Settlement of Cochin and its Dependencies on the Coast of Malabar, which is to remain in full Sovereignty to His Britannick Majesty.

ARTICLE III.

The Places and Forts in the Colonies and Settlements which, by virtue of the two preceding Articles, are to be ceded and

exchanged by The Two High Contracting Parties, shall be given up in the State in which They may be at the moment of the Signature of the present Convention.

ARTICLE IV.

His Britannick Majesty guarantees to the Subjects of His Royal Highness the Prince Sovereign of the United Netherlands, the same Facilities, Privileges and Protection, with respect to Commerce and the Security of their Persons and Property within the Limits of the British Sovereignty on the Continent of India, as are now or shall be granted to the most favoured Nations.

His Royal Highness The Prince Sovereign on His part, having nothing more at Heart than the perpetual duration of Peace between The Crown of England and The United Netherlands, and wishing to do His utmost to avoid anything which might affect their mutual good Understanding, engages not to erect any Fortifications in the Establishments which are to be restored to Him within the Limits of the British Sovereignty upon the Continent of India, and only to place in those Establishments the Number of Troops necessary for the Maintenance of the Police.

ARTICLE V.

Those Colonies, Factories and Establishments which are to be ceded to His Royal Highness the Prince Sovereign of the United Netherlands by His Britannick Majesty in the Seas or on the Continent of America, shall be given up within Three Months; and those which are beyond the Cape of Good Hope, within the Six Months which follow the Ratification of the present Convention.

ARTICLE VI.

The High Contracting Parties, desirous to bury in entire oblivion the Dissensions which have agitated Europe, declare and promise that no Individual, of whatever Rank or Condition he may be, in the Countries restored and ceded by the present Treaty, shall be prosecuted, disturbed or molested, in his Person or Property, under any pretext whatsoever, either on account of his Conduct or Political Opinions, his attachment either to any of the Contracting

Parties, or to any Government which has ceased to exist, or for any other reason, except for Debts contracted towards Individuals, or Acts posterior to the date of the present Treaty.

ARTICLE VII.

The Native Inhabitants and Aliens, of whatever Nation or Condition they may be, in those Countries which are to change Sovereigns, as well in virtue of the present Convention, as of the subsequent Arrangements to which it may give rise, shall be allowed a period of Six Years, reckoning from the Exchange of the Ratifications, for the purpose of disposing of their Property, if they think fit, whether it be acquired before or during the late War, and retiring to whatever Country they may choose.

ARTICLE VIII.

The Prince Sovereign of the United Netherlands, anxious to co-operate in the most effectual manner with His Majesty The King of the United Kingdom of Great Britain and Ireland, so as to bring about the total Abolition of the Trade in Slaves on the Coast of Africa, and having spontaneously issued a decree dated the Fifteenth of June 1814, wherein it is enjoined that no Ships or Vessels whatsoever destined for the Trade in Slaves, be cleared out or equipped in any of the Harbours or Places of His Dominions, nor admitted to the Forts or Possessions on the Coast of Guinea, and that no Inhabitants of that Country shall be sold or exported as Slaves,—does moreover hereby engage to prohibit all His Subjects in the most effectual manner, and by the most solemn Laws, from taking any Share whatsoever in such inhuman Traffick.

ARTICLE IX.

The Present Convention shall be ratified, and the Ratifications shall be duly exchanged at London within Three Weeks from the Date hereof, or sooner if possible.

In Witness whereof We the Undersigned Plenipotentiaries, in virtue of our respective Full Powers, have signed the present Convention, and have affixed thereto the Seals of our Arms.

Done at London this thirteenth Day of August, one Thousand Eight Hundred and Fourteen.

L.S. (Signed)	L.S. (Signed)
CASTLEREAGH.	H. FAGEL.

Approuvons la Convention ci-dessus et chacun des Articles qui y sont contenus ; déclarons qu' ils sont acceptés ratifies et confirmés et promettons qu' ils seront exécutés et observés selon leur forme et Teneur.

En foi de quoi Nous avons donne les presentes signées de Notre Main, contresignées et scellées de Notre Sceau à Bruxelles le Vingt Trois d'Aout L'an Mil Huit Cent Quatorze le Premier de Notre Regne.

(Signé) GUILLAUME.

Par le Prince Souverain.

(Signé) A. R. FALCK.

Dans l'absence du Sécrétaire d'Etat
pour les Affaires Etrangeres.

(Signé) A. R. FALCK.

First Secret Article.

In order the better to provide for the Defence and incorporation of the Belgick Provinces with Holland, in pursuance of the 6th Article Patent and 3rd Secret Article of the Treaty of Paris,—and also to provide, in conformity to the 9th Article of the said Treaty a suitable compensation for the Rights ceded by His Swedish Majesty under the said article which compensation it is understood, in the event of the above Reunion, Holland should be liable to furnish in pursuance of the above stipulations,—It is hereby agreed between the High contracting Parties, That His Britannick Majesty shall take upon Himself, and engage to defray the following charges,

1st. The payment of one Million Sterling to Sweden in Satisfaction of the claims aforesaid, and in pursuance of a Secret convention this day executed with His Swedish Majesty's Plenipotentiary to that Effect a copy of which Secret Convention is annexed to these Secret Articles.

2ndly. The advance of Two Millions Sterling to be applied in

concert with the Prince Sovereign of the Netherlands, and in aid of an equal sum to be furnished by Him towards augmenting and improving the defences of the Low Countries.

3rdly. To bear, equally with Holland, such further charges as may be agreed upon between The said High Contracting Parties and Their Allies, towards the final and satisfactory Settlement of the Low Countries in Union with Holland, and under the Dominion of the House of Orange, not exceeding in the whole the sum of Three Millions Sterling, to be defrayed by Great Britain.

In consideration and in satisfaction of the above Engagements as taken by His Britannick Majesty the Prince Sovereign of the Netherlands agrees to cede in full sovereignty to His Britannick Majesty the Cape of Good Hope and the Settlements of Demerary Essequibo and Berbice upon the condition nevertheless, that the subjects of the said Sovereign Prince, being Proprietors in the Said Colonies or Settlements shall be at liberty under such Regulations as may hereafter be agreed upon in a Supplementary Convention, to carry on Trade between the said Settlements and the Territories in Europe of the said Sovereign Prince.

It is also agreed between the Two High Contracting Parties, That the Ships of every kind belonging to Holland shall have permission to resort freely to the Cape of Good Hope for the purposes of Refreshment and repairs without being liable to other charges, than such as British Subjects are required to pay.

Second Secret Article.

The small District of *Bernagore* situated close to Calcutta being requisite to the due preservation of the Peace and Police of that city the Prince of Orange agrees to cede the said District to His Britannick Majesty upon a Payment of such Sum annually to His Royal Highness, as may be considered, by commissioners to be appointed by the respective Governments, to be just and reasonable, with reference to the Profits or Revenue usually derived by the Dutch Government from the Same.

Third Secret Article.

The present Secret Articles shall have the same force and validity as if they were inserted word for word in the patent

convention signed this day. They shall be ratified; and the Ratifications shall be exchanged at the same time and place.

In Witness whereof we the undersigned Plenipotentiaries have signed, and affixed to them the Seals of our Arms.

Done at London this Thirteenth Day of August, one Thousand Eight Hundred and Fourteen.

L.S.	L.S.
(Signed) CASTLEREAGH.	(Signed) H. FAGEL.

Approuvons les Articles Secrêts ci-dessus et déclarons qu' ils sont acceptés, ratifiés et confirmés et promettons qu' ils seront exécutés et observés seront leur forme et teneur.

En foi de quoi Nous avons donné les presentes Signées de Notre main Contresignées et Scellées de Notre Sceau à Bruxelles le Vingt Trois d'Août de l'an mil Huit Cent Quatorze, le Premier de Notre Règne.

(Signé)	GUILLAUME.
Par le Prince Souverain.	
(Signé)	A. R. FALCK.

Dans l'absence du Sécretaire d'Etat
pour les Affaires Etrangères.

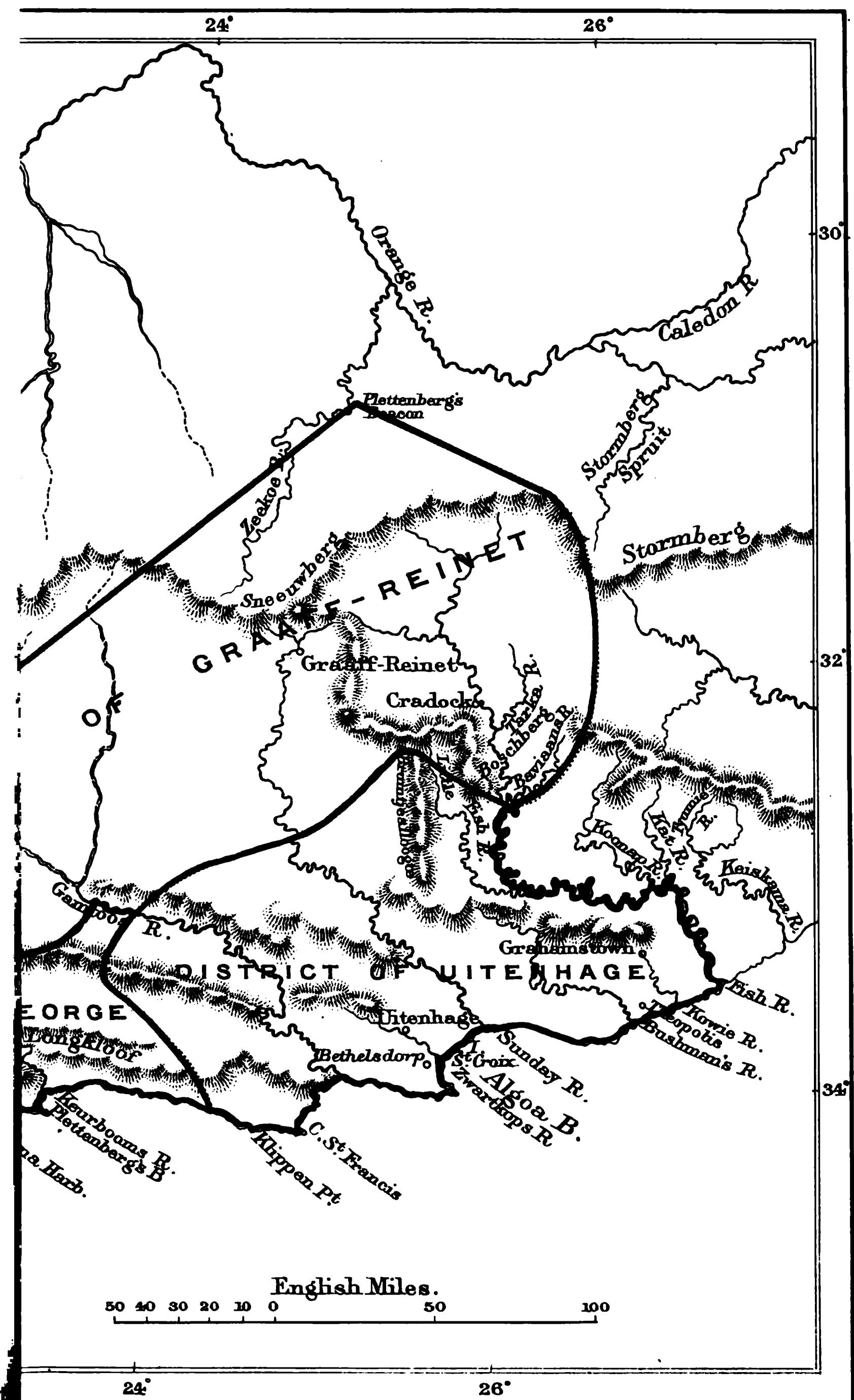
(Signé)	A. R. FALCK.
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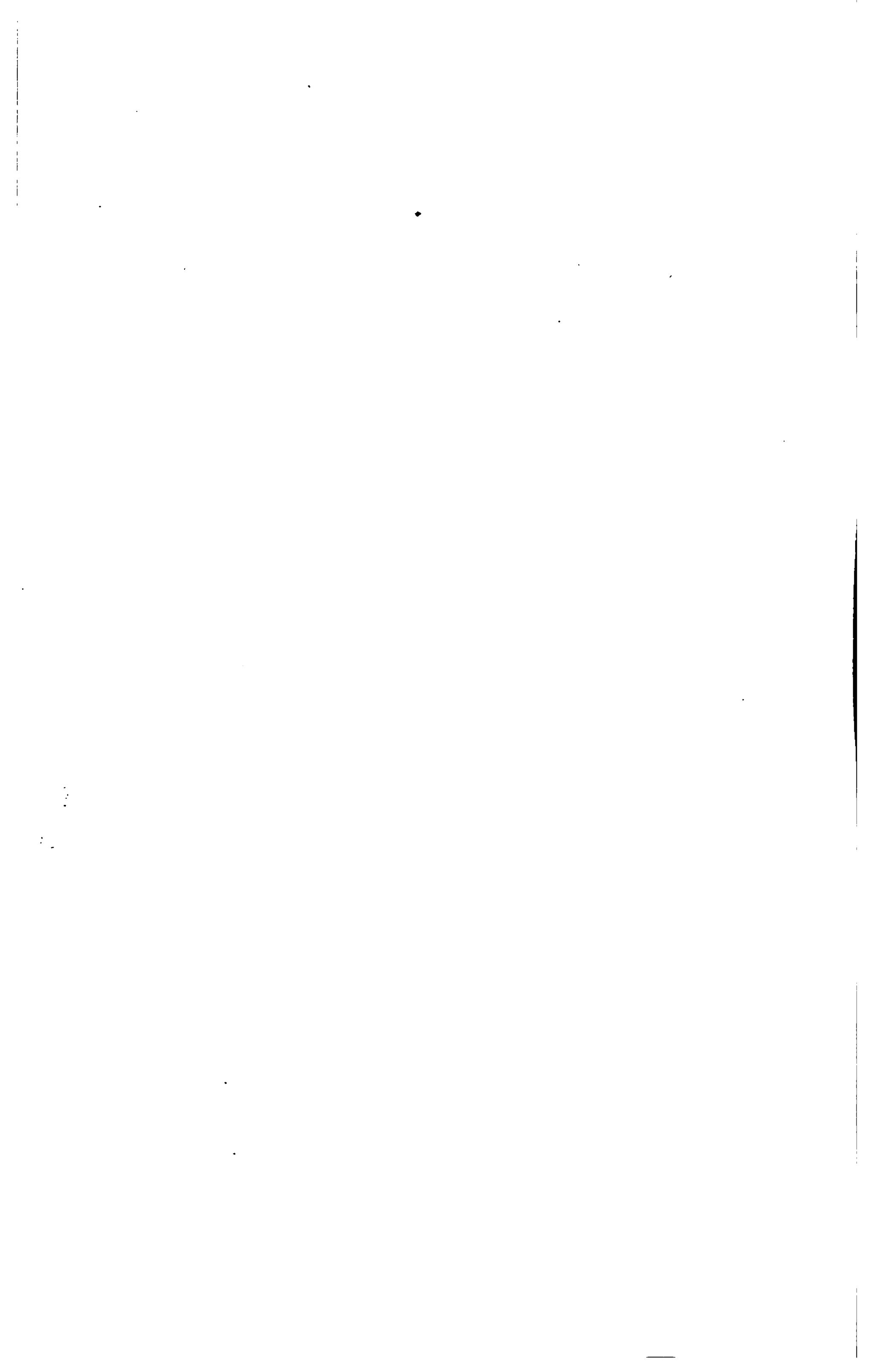
This is to certify that on the Eighth Day of September One Thousand Eight Hundred and Fourteen, Earl Bathurst One of His Britannick Majesty's Principal Secretaries of State, delivered and exchanged Two ratified Copies of a Convention between His Royal Highness The Prince of Orange-Nassau, Prince Sovereign of The United Netherlands, and His Britannick Majesty—and of Three Secret Articles, with a Secret Convention and Secret Article thereunto annexed, between His said Britannick Majesty and His Majesty the King of Sweden, concluded and signed at London on the Thirteenth Day of August 1814, for like Copies on the part of His Royal Highness the Prince of Orange Nassau.

In Witness whereof I have hereunto set my Hand and Seal of Arms at London the Eighth Day of September One Thousand Eight Hundred and Fourteen.

L.S.	
(Signed)	H. FAGEL.

hen it was ceded to Great Britain.





[Copy.]

*Letter from DEPUTY SECRETARY BIRD to the MORAVIAN
BRETHREN at Groene Kloof.*

SECRETARY'S OFFICE, September 8th 1814.

GENTLEMEN,—His Excellency the Governor having had under His consideration the applications you have at different times made, with a view of having confirmed to your Body the land in the vicinity of the Groene Kloof, the temporary occupancy of which was permitted in order to increase and encourage the Industry of the Hottentots under the administration of this Government, by His Excellency the Earl of Caledon, I am now directed to acquaint you, that after personal Inspection of the Institution you superintend, it has appeared evident to His Excellency that considerable amelioration should be effected in the system you have adopted, to afford a prospect of ultimate advantage from it, either to Society in general, or to the Body of the Hottentot nation in particular.

The object of Government in promoting Settlements of the Hottentot tribes has always been to improve their moral as well as religious habits, to lead them from a wandering to an industrious course, and to prove to them from the comfort which they would enjoy in the peaceable possession of their own cottages, gardens, and agriculture, the advantages of that system which their Christian Teachers with so much charity and perseverance endeavour to inculcate.

It never was the intention of the British Government to grant lands to Missionary Institutions for their own benefit, but to consider those Institutions as subservient to the distribution of ground to meritorious native Individuals, and to provide proper Establishments and conveniences for the Missionaries themselves while they promote this charitable and important work.

His Excellency has the greatest pleasure in acknowledging from personal observation the general regularity, industry, and propriety of conduct of the Moravian Missionaries of Groene Kloof, but, in making this acknowledgment, it would be betraying his duty, were he to refrain from observing that unless a more systematic method with respect to the Hottentots themselves is enforced, the object of the Institution can never be obtained.

The Groene Kloof presents an aggregation of nearly 300 Hottentots, none of whom have regular employment, nor can the Missionaries themselves account for them, or point out the source from whence their subsistence is derived. Some few, it is true, hire themselves in the harvest and ploughing Seasons to the neighbouring Agriculturists, and some garden ground is cultivated, but in parts only ; beyond these it cannot be shewn that they have any useful occupation, the consequence of this is apparent in the misery and nakedness of the Individuals, and in the immorality and irregularity in their lives. The Sexes cohabit, with one exception only, under the auspices of a Christian Institution, without the smallest legal tie, from which follow promiscuous intercourse, plurality of wives (or rather women), and all that neglect of offspring which the most savage nations are accused of.

Such is the present state of the Hottentot tribe at the Groene Kloof, to counteract which, the only means at present used are daily Prayer Meetings and useful Instructions delivered on the Sabbath. That these have their due effect upon a few, and that some of the females are taken much pains with in Mrs. Smith's excellent school of Needlework, His Excellency has much pleasure in granting, but he must repeat that this is not sufficient for the principal object in view, and that unless some regular system is adopted by which each Individual of the Institution is compelled to add to the general prosperity by giving his labour either to the farms in the vicinity, or to the agricultural or other pursuits of the Institution itself, and that such a system is enforced by adequate penalties and rewards, and by a Register of the labour performed by each being kept, there appears little prospect of amelioration, and consequently His Excellency must hesitate in fixing the Settlement upon a more permanent footing at the Groene Kloof, until some method of this nature has been tried, and the effect thereof found to justify the hopes which were entertained of public utility ensuing, when the Missionaries were first permitted to make the experiment.

His Excellency will receive with pleasure any system you will please to submit for his consideration, and will afford every means in his power to aid you in carrying it into effect. I have &c.

(Signed) C. BIRD, Deputy Secretary.

[Copy.]

*Letter from DEPUTY SECRETARY BIRD to the LANDDROST
OF SWELLENDAM.*

SECRETARY'S OFFICE, September 9th 1814.

SIR,—I am directed by His Excellency the Governor to acquaint you that having had under his consideration the general system of the missionary establishments in this Settlement, he has at the same time perused and attended to the representations of the Moravian Brethren at the Baviaans Kloof, upon the subject of the lands in their occupancy being insufficient for the subsistence and wants of the Hottentot people who are attached to their Institution, and he has also perused and considered your report upon this subject, and your suggestion relative to an exchange of Government land with the neighbours, whose farms adjoin the land occupied by the members of the Institution.

In consequence whereof, His Excellency (approving of the principle upon which you have viewed this matter) has been pleased to come to the following resolution, which it is his desire you may be pleased as soon as practicable to carry into effect.

His Excellency approves of the boundary you have fixed for the future occupancy of the Hottentots, and consequently he directs the *resumption* of so much of the loan places of Mr. Philip Morkel, Mr. Gildenhuis, and Mr. Gebelaar as appears within the boundary a, b, c, d, e, f, upon the chart framed by the land surveyor H. F. Schutte. To indemnify the parties from whom this land must be taken, you will be pleased to communicate to Messrs. Morkel and Gildenhuis that His Excellency will attach to their loan places, in the opposite direction, double the quantity of land which they are called upon to sacrifice, and a like quantity to Mr. Gebelaar; but His Excellency will not grant them their loan places rent free, nor will he in consequence of this transaction agree to encrease Mr. Morkel's land to the extent he demands, nor to alter the tenure under which the parties respectively hold, such alteration or encrease being to be obtained only in the usual manner.

But in case the parties in question should not consent to this arrangement, you will then be pleased to acquaint them that His

Excellency will, according to law and the usual practice of the Colony, resume their loan places entirely, paying them by impartial valuation for the Opstal, and after having attached to the grounds of Genadendal such proportion as shall have been deemed advisable, he will put the remainder of such loan places up to public vendue to cover the expence to which Government shall have been put in this transaction.

You will be pleased *verbally* to acquaint the Moravian Brethren of Genadendal with this disposition, and to communicate to them in the same manner His Excellency's permission to the Hottentots under their control making use of all the land between the new boundary for such purposes as their necessities require.

I have etc.

(Signed) C. BIRD, Deputy Secretary.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the exchange of new for worn out and defaced paper money.

9th September 1814.

[Copy.]

Government Advertisement.

The very abundant rains of the present year, having occasioned the Farmers to continue the ploughing season much beyond the customary period, and consequently not to bring their Wheat and Barley to Cape Town, as usual during the months of August and September—Notice is hereby given, that, in order to prevent the inconveniences which might arise from the Market of this Town not being regularly supplied, His Excellency the Governor has thought proper to order, that the Tythes upon Wheat and Barley shall be returned to such Farmers, as shall bring the greatest quantities of those Articles to the Market, during the months of September and October, of the present year.

The Collector of Tythes is therefore directed, to take particular notice hereof, in order that the intention of His Excellency may be carried into execution without delay, or unnecessary trouble to the parties.

Cape of Good Hope, 15th September 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Office Copy.]

DOWNING STREET, 15th September 1814.

Passport for Mr. Sillmann to go to the Cape.

[Original.]

*Letter from the REVEREND DR. WERNINCK to ADAM GORDON,
ESQRE., Under Secretary of State.*

CAMBERWELL GROVE, September 15th 1814.

SIR,—I beg you will excuse the liberty I take of addressing you in behalf of the Revd. Mr. Berrangé lately appointed to one of the vacant livings at the Cape of Good Hope, who wishes to proceed as soon as possible to that Colony, being quite ready. I have been informed at the Transport office, that Government had engaged so much tonnage on board the *Woodbridge* bound to the Cape, as entitles it to put two passengers on board that ship. Mr. Berrangé taking only one of his daughters with him, I humbly beg to submit, that he might proceed by that opportunity to the place of his destination, in case Government has not yet disposed of these places.

The Members of the School Committee at the Cape have lately informed me, that the Rector of the Grammar School has resigned, and they request me to recommend to the British Government a Dutch Gentleman fit for that situation, and if possible a clergyman, who could at the same time fill the vacancy of third minister of the Church at Cape Town. Mr. Berrangé having heard of this circumstance and being at the head of the schools

in the district of his present living in Holland, begs me to apply to the Earl of Bathurst, that it may please his Lordship to appoint him as Rector of the Grammar School at the Cape, or to favor him with a recommendation to His Excellency Lord C. Somerset, that he may be appointed at his arrival in the capacity of Rector of the Grammar School and Third Minister in Cape Town.

Mr. Berrangé mentions also in his last letter to me, that he has been informed that transports are fitting out in Holland to carry troops to the Island of Java, which would be allowed to touch the Cape for refreshments, and that he may find an opportunity of proceeding direct to the Cape with his colleague Mr. Masman, if there was no opportunity of departing soon from England. In case the Earl of Bathurst could grant this favor, an arrangement might be made respecting their passage with the Dutch Government through the medium of his Excellency Lord Clancarty.

I beg you will have the goodness to lay this application before the Earl of Bathurst, and to inform me of His Lordship's decision.

I have etc.

(Signed) J. WERNINCK, D.D.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 16th September 1814.

MY LORD,—I herewith transmit to your Lordship the Copy of a Letter and the Original Affidavits to which it refers, and I am to request that your Lordship will cause an immediate enquiry to be made into the Circumstances which are therein represented of the difficulties which have been created by the Insolvent Chamber at the Cape of Good Hope with regard to an Application from the Representative of Jacob Frieman, deceased, to be put in possession of the Property he died possessed of. If there is any foundation for the present Complaint, the Conduct of the parties alluded to has been highly reprehensible, and I am to desire that immediate measures may be taken for remitting to the Colonial Agent, for

the use of Sarah Frieman, the Amount of the Property in question, with the Interest thereon, from the time of her Brother's decease.

I have etc.

(Signed) BATHURST.

[Original.]

*Letter from GEORGE HARRISON, ESQRE., to
MAJOR-GENERAL BUNBURY.*

TREASURY CHAMBERS, 16th September 1814.

SIR.—The Prince Regent having signified His pleasure that two persons should be immediately appointed as collectors of Plants for His Majesty's Botanic Garden at Kew, Mr. Allen Cunningham and Mr. James Bowie have been nominated by the Lords Commissioners of His Majesty's Treasury for this service, and they are about to proceed to the Cape of Good Hope by the way of Rio de Janeiro. And it having been represented to their Lordships that it will be of great importance to the success of this undertaking that the collectors should receive every facility and assistance which can be afforded by the Government, I am commanded by their Lordships to desire that you will move the Earl Bathurst to convey to the Governor of the Cape of Good Hope instructions to provide for the service of the collectors a waggon, a couple of teams of oxen for their journeys, a Hottentot driver, and two or three men to attend the oxen, and also to furnish the collectors with the usual orders upon the Boors for voorspans of oxen, and if they should go beyond the limits of the Colony, with an order to the landdrost to give them the protection of a few Boors, which my Lords are informed is termed a Commando, and also to afford them every other facility and assistance in his power which may contribute to the success of their undertaking. And I am further to desire that you will also move the Earl Bathurst to convey to the Governors, or other persons having the principal authority in the several settlements in New South Wales instructions to afford to both or either of these persons, in the event of their proceeding to that country, similar facility in the prosecution of their undertaking. I am etc.

(Signed) GEO. HARRISON.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 18th September 1814.

MY LORD,—I transmit to you herewith the Copy of a Letter addressed to this Department, by direction of the Lords Commissioners of His Majesty's Treasury, respecting Mr. Allen Cunningham and Mr. James Bowie, who have been appointed Collectors of Plants for His Majesty's Botanic Garden at Kew, and I am to desire that during their residence within your Government you will afford every facility and assistance in your power to enable them to prosecute with success the undertaking in which they are engaged. I have etc.

(Signed) BATHURST.

[Original.]

*Letter from LORD CHARLES SOMERSET to
HENRY GOULBURN, ESQRE.*

CAPE OF GOOD HOPE,
GOVERNMENT HOUSE, September 18th 1814.

SIR,—I have the honor to transmit to you a letter from Captain Brine R. Navy who brought me to this place from England in H.M. Ship *Medway*, relative to the usual allowance for the passage of a Person in my situation and suite, not having been paid to his agent, and to solicit that you will have the goodness to cause enquiry to be made, to obviate any further delay. Colonel Draper, Colonial Secretary of the Isle of Bourbon, came out with us, but was not included in my suite, but (as I understood) the usual allowance was also to be made to Captain Brine for his passage to this place. I have etc.

(Signed) CHARLES HENRY SOMERSET.



[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 19th September 1814.

MY LORD,—The Dutch Ship *Maas and Rottestroom*, Captain Frans Bremer, being about to sail for Batavia, I have been requested by the Dutch Ambassador to recommend the Captain and Vessel to your protection in Case they should touch at the Cape of Good Hope in the course of the Voyage. I am therefore to desire that any assistance and attention in your power may be afforded should the Captain with his Vessel arrive in your Government. I have etc.

(Signed) BATHURST.

[Copy.]

*Letter from the Moravian Missionaries to
LORD CHARLES SOMERSET.*

GENADENDAL, September 19th 1814.

MY LORD,—We have the honor to acknowledge the receipt of Your Excellency's letter transmitted to us by C. Bird, Esqre., relative to the Missionary Institution at Groene Kloof, and with regard to our trifling efforts in collecting out of the Hottentot Nation such a number as wish to live and act conformably to God's commands.

In this respect we have not laboured without experiencing the Blessings of Divine Providence, and notwithstanding our failures and wants finding that the Instruction of the Gospel has even been productive of some Fruits we are encouraged and induced not to abate in preaching the same, from which the love for *God and our fellow creatures, a life pleasing God, virtue, chastity, and honesty*, in fine everything requisite for *true Christianity* are inferred.

The Holy Scripture therefore is and remains our Rule and Guide, wherein we adhere in Jesus Christ as our Redeemer and Saviour, who bought mankind not with gold or silver but with His holy Blood, wishing no one to be lost, and as such he is also

proclaimed and presented in all our doctrines, sermons, addresses, and instructions, teaching that no other Salvation is to be found than thro' Him, and that he who wishes to enjoy happiness in this world and in that to come must believe in Jesus, unto which *he is called by the Gospel and enlightened* by Jesus' Spirit to follow his footsteps, to walk as *he* did whom God had sent as an example for us, since it follows that Jesus Christ is the head of his church and the basis on which we ground our belief, and from which we derive our rules and principles; that it behoves every one to lead a life agreeable to God, to act according to His moral law, and to observe the same, to eat his bread in the sweat of his brow, with this admonition "that he who does not labour shall not eat," further that no Fornicator, Adulterer, Idolater, Thief, Miser, Drunkard, Blasphemer, or Robber shall inherit the Kingdom of God.

If a Hottentot commits any of these transgressions, he is no longer admitted in the congregation of God, according to St. Paul "remove from among you the wicked," but before this takes place he is (in case the offence is not of a judicial nature) punished conformably to the church discipline and according to the circumstances of the case, but when the offender manifests a true sorrow and real repentance for his sins, such are readily forgiven, and we renew our efforts for his further amendment, in the hope that such a one had he been a scoffer, a Pharisee, a persecutor, yea even the greatest enemy to Christ, by repenting his sins may thro' the infinite mercy of God become His child and property.

Besides this, we have found by many trials and self experience that if a Missionary or Teacher by gathering souls for Jesus, keeps in view the design of God with all men, namely that no one shall be lost, he must not grow weary or tired, but use continual patience, by remembering what he is himself, and what his German Ancestors were 6 or 800 years ago, by what means they have been enlightened and reformed, and the answer which the persevering patience gives is *thro' the Grace of God and his Gospel*; this must however be constantly accompanied with remembering, rebuking, reproving, and admonishing.

From the above lines Your Excellency will perceive that the true principles of our system are founded on the doctrine of Christ, and that without Jesus we know not to preach any other salvation, nor to recommend any other happiness. Therein we will

abide, and on that account beg Your Excellency's favor, the same as our Brother Missionaries since 80 years have enjoyed, and now still enjoy, from the British Government in Ireland, as well as in the West Indies and in North and South America.

It was therefore on the *urgent* instance of His Excellency Lord Caledon in 1808, that we accepted to establish a second Missionary Institution at Groene Kloof; it was not at our request but at the offer of Government, containing these expressive terms, *that in case of our refusing this offer no similar one of that nature would in future be proposed to us.* Wishing to obey Government, we could not reject this proposal, but accepted *it out of obedience*, notwithstanding the prospect of so many expenses, and since the settlement at Groene Kloof we expended about 7000 Rix dollars.*

We cannot therefore sufficiently express how much we are affected, and Your Excellency will feel with us how difficult it must be for our poor Brethren in Germany to support us, in consequence of the War, with such a considerable sum of money in so short a period, it being the reason of our endeavouring to facilitate those heavy expenses by the labour of our hands.

The humble Prayer of our Institution constitutes therefore principally this, that the land for the use of the Missionaries and Hottentots may be secured to us in such manner that we may uninterruptedly build thereon, which will enable us to live in peace with every one, as without this grant thereof not only many disputes would arise with our neighbours, but the Hottentots, in consequence of our not being confirmed in the possession of those lands, would moreover not be kept in such a state of activity and labour.

Finally, with regard to the material contents of this letter, we beg leave to observe, as we have already defectibly stated, that we all consider Jesus Christ as the foundation upon which the church is built by many true labourers, and that it is also *our* system and doctrine, and that notwithstanding all our imperfection and wants, we hope that God will promote the intention with the Hottentot nation.

If we are to follow another system we must previously await

* Note by Lord Charles Somerset:—Had the Society at Groene Kloof been reunited with that at Baviaans Kloof it was intended to reimburse the Society for all expenses incurred in buildings or improvements at the Groene Kloof.

the consent of our Directors of the Evangelical Brother Unity, without which we cannot effect the least thing. We remain &c.

(Signed) J. G. BONATZ,
 H. MARSVELD,
 D. SCHWIM,
 J. M. LEITNER,
 J. G. SCHULTZ,
 J. H. SCHMIDT,
 J. FRITSCH.

[Office Copy.]

DOWNING STREET, 23rd September 1814.

Passport for Mr. Lichwartz and Family to go to the Cape.

[Copy.]

Order in Council.

At the Court at Carlton House, the 24th of September 1814.

Present : His Royal Highness the Prince Regent in Council.

Whereas the Order of His Royal Highness the Prince Regent in Council, dated the 1st Day of October 1811, for regulating the Trade to and from the Cape of Good Hope, has ceased and determined, the Act under the authority of which the said Order was issued having expired: and Whereas by an Act passed in the last Session of Parliament, intituled "An Act to continue, until the 25th day of March 1816, an Act for regulating the Trade to the Isle of Malta; and to revive and continue, for the same period, several Acts relating to the Trade to the Cape of Good Hope; and to the bringing and landing certain Prize Goods in Great Britain," His Majesty is authorized by and with the advice of His Privy Council by any order or orders to be issued from Time to time, to give such directions, and to make such regulations, touching the Trade and Commerce to and from the said Settlement, and the Territories and Dependencies thereof, as to His Majesty in Council shall appear most expedient and salutary,

anything contained in an Act, passed in the 12th year of the Reign of His Majesty King Charles the Second, intituled "An Act for encouraging and increasing of Shipping and Navigation," or in an Act passed in the seventh and eighth years of the Reign of His Majesty King William the Third, intituled "An Act for preventing frauds, and regulating abuses in the plantation Trade;" or any other Act or Acts of Parliament now in force relating to His Majesty's Colonies and Plantations or any other Act or Acts of Parliament, Law, Usage or Custom to the contrary notwithstanding. His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, is pleased to order, and it is hereby ordered, that it shall and may be lawful, until further order, for all Ships and Vessels belonging to the Subjects of any Country or State in amity with His Majesty to enter into the Ports of the said Settlement of the Cape of Good Hope, and of the Territories and Dependencies thereof for the purpose of repairs and refreshment only, in which case, a part of the Cargoes of such Ships and Vessels may be permitted to be disposed of for the purpose of defraying the expences of such repairs or refreshment; and that it shall also be lawful for any Vessels belonging to the Subjects of any Country or State in amity with His Majesty, to import into the Ports of the Cape of Good Hope, and of the Territories and dependencies thereof, any articles of Provisions, with the permission of the Governor of the Cape of Good Hope first had and obtained by licence in writing under his Signature, which licence he is hereby empowered to grant; and His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and by and with the advice aforesaid, is further pleased to order, and it is hereby ordered, that Goods, Wares, or Merchandise, the growth, produce, or manufacture of the Countries to the Eastward of the Cape of Good Hope legally imported into the said settlement, or into the Territories or Dependencies thereof, may be exported from the said Settlement, or the Territories or Dependencies thereof to the ports of the United Kingdom, subject to the rules and regulations contained in an Act, passed in the 53rd Year of His Majesty's Reign intituled "An Act for continuing in the East India Company, for a further term the possession of the British Territories in India, together with certain exclusive privileges; for establishing further regula-

tions for the Government of the said Territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter, or to any ports or places to which a trade in such articles is permitted to be carried on from the said Settlement or the Territories or Dependencies thereof, under the provisions of an Act passed in the last Session of Parliament, intituled "An Act for the further regulation of the Trade to and from the places within the limits of the Charter of the East India Company," and subject to the rules and regulations in the said Act contained, in British Ships or Vessels, or in such Ships or Vessels that shall have been built within the Territories belonging to the East India Company, or in the Ports under the immediate protection of the British Flag in the East Indies; and that it shall in like manner be lawful to export from the said Settlement of the Cape of Good Hope, or its Territories or Dependencies, in British Ships or Vessels, or in such Ships or Vessels that shall have been built within the Territories belonging to the East India Company, or in the Ports under the immediate protection of the British Flag in the East Indies, to any Ports or Places to which Trade may be lawfully carried on from the said Settlement or its Territories or Dependencies any articles of British or European produce or manufacture, which shall have been legally imported into the said Settlement, or the Territories or Dependencies thereof; provided, however, that nothing in this order contained, shall extend, or be construed to extend, to permit a Trade in Tea between the Cape of Good Hope, or its Territories or Dependencies, and the Countries to the Eastward thereof, or from the said Settlement and its Territories or Dependencies, to the Ports of the United Kingdom, nor to permit any Vessel under the Burthen of 350 Tons to export from the said Settlement, or the Territories or Dependencies thereof, to the Ports of the United Kingdom any articles the growth, produce or manufacture of any countries situated within the limits of the East India Company's Charter; and it is His Royal Highness's further pleasure, that the Trade and Commerce to and from the said Settlement, and the Territories and Dependencies thereof, shall be subject to such of the laws of Trade and navigation, and the Rules and regulations thereof, as would have affected the same if this order had not been made, except so far as such laws are contrary to this present order.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury and the Lords Commissioners of the Admiralty are to give the necessary Directions herein as to them may respectively appertain.

(Signed) JAS. BULLER.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 25th September 1814.

MY LORD,—I have the honour to inform your Lordship, that I this day received a letter from Major General Torrens dated 4th June last, informing me, that, in compliance with a recommendation of Sir John Cradock, it was His Royal Highness's intention to submit His Royal Highness the Prince Regent, an encrease in the establishment of the Cape Regiment of one lieutenant per company. I have no doubt but Sir John Cradock at the time he forwarded this recommendation had strong grounds for so doing, but as there is no document or memorandum in the Colonial Office on the subject, I am unable to ascertain what were the motives which urged Sir John's decision on this head.

I feel it my duty however to call your Lordship's serious attention to the very heavy burthen the expence of this Corps is to the Colonial Treasury, and to hope that if this increase is to be made permanent Your Lordship will urge the expences of the Cape Regiment being thrown on the British Government; and if that should appear to Your Lordship impracticable, that the Corps may be reduced to the establishment ordered by the Earl of Liverpool in his dispatch No. 2 dated 3rd March 1810.

I have the honour to transmit for Your Lordship's information a statement of the expence of this Regiment for the year ending 24th June last, and also a statement of the very great additional expence the Colonial Treasury has incurred in calling out the commandos on the Frontier to resist the depredations of the Caffers. These expences paralyze every exertion for the advantage of a Colony, which stands in need only of the encouragement which this circumstance deprives it of, and I therefore again take

the liberty of expressing to Your Lordship a hope, that the expences of the Commandos alone may in future be borne by this Colony. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Statement of the amount paid by the Acting Colonial Paymaster on account of the Cape Regiment, including pay and allowances to officers and non-commissioned officers and privates.

Payments made to the Commissariat &c. between the 25th June 1813 and 24th June 1814 . . . Rds.	242,217 4 3½
Advanced by the British Treasury to the Colonial Agent on Account of the Cape Regiment . . £7000	
Clothing now on board the <i>Arniston</i> estimated at . 1000	

	£8000
at the rate of 75 per cent.	70,000 0 0

	Rds. 312,217 4 3½
Total amount of extra expence incurred on account of Com- mandos on the Frontier Rds.	96,078 5 2

Grand Total Rds.	408,296 1 5½

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, 28th September 1814.

MY LORD,—I feel it incumbent upon me to urge with Your Lordship the expediency of transmitting specie to this Colony for the payment of the Troops here. The Spanish dollar now sells for 7 shillings sterling at this place, your Lordship can therefore readily judge of the great saving which would accrue to His Majesty's Government, if specie were sent from home for the payment of the army here. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the LANDDROST OF SWELLENDAM to
D. J. VAN RYNEVELD, ESQRE., Landdrost of Stellenbosch.*

CAPE Town, 28th September 1814.

SIR,—The Moravian Brethren in the district of Swellendam having some time since, under the Government of Sir John Francis Cradock, made application for land in addition to that which was already occupied by the Hottentots belonging to their Institution named Genadendal, this request has been referred to me for report.

Perceiving the Institution to be very limited through the successive grants of land round the same, I have been treating with the holders of the neighbouring places, and have used my endeavours to see in how far they might be willing to give up the lands held by them on loan on behalf of said Institution.

Of the whole of this transaction I have made a report to Government, and His Excellency the Governor has in the beginning of this month given a decision respecting this case, in which Philip Morkel belonging to your district is concerned, consisting herein that such part of his loan place shall be withdrawn as is necessary to give to the said Institution all the land which was marked out by me at the time I made the local inspection on behalf of the same, in consideration of which double the extent of loan land which he might lose thereby should be given him on the other side, *without more*, and the yearly rent for the same paid as before, and that, he wishing for more ground on quit rent in addition to this loan place, application should be made in the usual manner, but that in case he might not be satisfied herewith, His Excellency would withdraw the grant of the whole loan place, take off such part as might be necessary to give to Genadendal, and sell the remainder by public sale.

As I am directed by His Excellency to bring the business to a termination as speedily as possible, I have to request you will be pleased to send for this man by the first opportunity and acquaint him therewith, and thereupon to report to Government which alternative he shall have chosen. I have etc.

(Signed) P. S. BUISSINNE, Landdrost.

[Copy.]

Government Advertisement.

It having been represented to His Excellency the Governor, by the several Magistrates of the Country Districts, that some inconveniences have been felt in consequence of the Regulations for the expences of Surveys of Lands, published on the 16th July, 1813:—His Excellency has been pleased to direct the following amended set of Regulations to be established and made public:—

Art. 1. All applications which may be referred to the Landdrost and Heemraaden for examination, shall be distinguished and arranged by them at their Monthly or Quarterly Meetings, in such manner, that lists can be formed of all the Places situated under the same Field Cornetcy, in which the applications are to follow in the same order as the different Lands requested for are situated.

2. These Lists being made out, a Commission, consisting of the Landdrost or Deputy Landdrost and one Heemraad, assisted by one of the Sworn Surveyors, shall repair to the Field Cornetcy, where the places are successively situated, and there (after having first heard the Field Cornet and the interested parties, specially to be summoned for that purpose, and being informed of all the circumstances from the different parties, which Government should be acquainted with), on the Applicants pointing out the several Lands to the Surveyor, he shall proceed from Place to Place, in the order pointed out by and under the direction of the Commission, and measure the same, (if no sufficient objection to the Commission appear thereto), in presence of the Field Cornet of the Division, who is to point out to the said Surveyor, all the Springs within the Land in question, of which he may be aware, and to take care that sufficient Landmarks be erected at the several angles forthwith.

3. The Commission having thus inspected those Lands or Places, and pointed the same out to the Surveyor as aforesaid, shall be considered as having terminated its proceedings; and the Land Surveyor, in the presence of the Field Cornet, is to continue his operations in the same order, and in the manner prescribed.

After which, he is to furnish the Landdrost with a Diagram of each place, drawn out according to the form directed in the Surveyors Instructions.

4. Immediately on the receipt of this Diagram, the Commission shall send in their report to His Excellency the Governor, stating therein all the circumstances, as well regarding the nature of the ground, as with respect to the Applicant, according to such orders as already exist, or may be given hereafter.

5. The object of His Excellency being to save all unnecessary expence to the parties applying, and to preserve uniformity in the Survey, and impartiality to the parties, relies upon the zeal and local knowledge of the Landdrost, Deputy Landdrost, and Heemraaden, that they should arrange the several applications, in the mode best calculated to effect economy, expedition, and general accuracy, by pointing out to the Surveyors, successively in their order, the different Lands applied for, so that the Surveyors may proceed with dispatch, and without interruption, by which much expence will be saved.

6. All former Rules and Regulations to stand good, which are not hereby altered, or rendered of no effect.

7. Allowance for daily expences, and other incidental charges of Carriage hire, &c. to be defrayed by the Persons applying for Lands.

8. Landdrosts and Deputy Landdrosts, are to be allowed 8 Rds., the Heemraad 6 Rds. per day, over and above the expence of Waggon hire; and an Orderly or Messenger, is to be allowed to each Commission, at 3 Rds. per diem, including the expence of a Horse.

9. When more than one inspection is made in a day, or several in succession in the same Field Cornetcy or neighbourhood, all expences of Waggon hire, and daily allowance, to be divided amongst the Applicants, in proportion to the time occupied in the several Inspections and Surveys.

10. When the Surveyor acts without the Commission, the several Applicants are to defray the expences of Waggon hire, in proportion to the time occupied in the Survey of the Land solicited for by each; but the Instruments used by the Surveyor are to be conveyed to the spot by those at whose request the Survey is to be made.

11. Waggon hire is to be charged according to the rate which

the Landdrost, Deputy Landdrost, and Heemraaden of the District from whence the Surveyor proceeds, consider to be legal and usual; and in those cases where Commissioners have to proceed into such parts of the Colony as cannot afford proper accommodation then it is permitted to the Commission to take, and charge for a second Waggon, for the carriage of Tents, Bedding, and such other things as may be essentially necessary.

12. When Lands are to be Surveyed for an Individual, separate and distinct from others, he may furnish a Waggon, or other mode of conveyance, satisfactory to the Commission and Surveyor; if any objection is made to the conveyance proposed, that shall be decided by the Landdrost or Deputy Landdrost.

13. The Field Cornets who may be called upon to assist at any Survey, to be allowed 4 Rds. per day, but without any travelling expences.

14. Expences allowed the Surveyor:—

	Rds. Sch.
(a) The measuring of Lands of 10 morgen, or less	6 0
(b) From 10 to 60	10 0
(c) From 60 to 100	12 4
(d) Above 100 morgen, 4 Stivers more for each morgen.	
(e) For travelling expences per day	4 0
(f) For his Servant, ditto	1 0

All other assistance to be provided by the Applicants.

The Diagrams to be charged as formerly.

15. The Surveyor to be paid, by a Bill upon the District Treasurer, quarterly, upon a return of the Surveys, Valuations, and Diagrams; and the Landdrost and Heemraaden are authorized to call upon the parties to deposit with the District Secretary, the probable expences of the Commission previous to setting out, for which a due receipt is to be given them, and in case of not obtaining the grant, the amount to be forthwith reimbursed.

16. Exclusive of the reports of the Commissions as now made, a copy of all transactions is by the District Secretary to be forwarded quarterly to the Colonial Secretary, and a duplicate thereof, signed by him, to remain at the Drostdy, in order that reference may be had to the same, should it be necessary.

17. In consequence of the additional trouble, the District Secretary to be allowed $2\frac{1}{2}$ per Cent, to be collected from the parties on the amount of their Bills, in case the parties do not agree, as to the proportion of the expences to be borne by each,

such proportions must be settled by the Commission, and their award is conclusive.

Cape of Good Hope, 30 September 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Copy.]

Government Advertisement.

Whereas the Landdrosts of Swellendam and George have represented to His Excellency the Governor, that in consequence of the rapid decrease of Game in their Districts, it appears to them desirable that the Regulations, established for the preservation of Game, by the Proclamation of the 29th July last, should be extended to the aforementioned Drostdies of Swellendam and George. His Excellency, therefore, has thought proper to direct, and it is hereby made known, that the Provisions of the Proclamation of the 29th July, aforesaid, are to be henceforward in every respect enforced within the Drostdies of Swellendam and George, and the remaining part of the Stellenbosch District, not included in the Proclamation alluded to.

Cape of Good Hope, 30 September, 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 3rd October 1814.

MY LORD,—Mr. Michael Adrian Smuts having applied, through persons of great respectability in this Country, for permission to return to the Cape of Good Hope with his family, from Holland, I am induced by the favorable representations I have received of him to acquaint your Lordship that there does not appear to be

any objection to his residence in that Colony of which he is stated to be a Native, and which, by the Passport he is in possession of from the Government Secretary, he appears to have quitted in the Year 1800. I have etc.

(Signed) BATHURST.

[Copy.]

*Letter from DEPUTY LANDDROST J. H. FROUENFELDER to
DEPUTY COLONIAL SECRETARY BIRD.*

CALEDON, 6th of October 1814.

SIR,—In consequence of the order received by me to communicate to the occupier of the loan place lately held by the widow of B. Gildenhuisen the decision of the Government dated 28th of September, that a certain portion of land should be taken from said place on the side of Genadendal, and double the quantity of land so taken from it to be added on the other side, I have the honor to report that J. Badenhorst, the present occupier of the said place, has declared himself satisfied and ready to accept the land in exchange as the Government has directed, continuing to pay the recognition. I have etc.

(Signed) J. H. FROUENFELDER, Deputy Landdrost.

[Copy.]

*Letter from the LANDDROST OF STELLENBOSCH to
LORD CHARLES SOMERSET.*

STELLENBOSCH, the 7th October 1814.

MY LORD,—In consequence of a letter which I received from the landdrost of Swellendam, Mr. P. S. Buissinne, in order to hear from Mr. Philip Morkel whether he is willing to give up such lands belonging to his loan place as are limited by said landdrost at the local inspection on behalf of the Institution of the Moravian Brethren at Genadendal, I have the honor to report that Mr. Morkel declared to me fully to acquiesce in the projected division of the landdrost of Zwellendam, and to be willing to give up such

lands as according to the drawn line will fall towards the side of the Institution.

But as he hardly will retain by it two hundred morgen of the old loan place, he humbly requests, that it may please Your Excellency to grant him, for the loss thereof, on perpetual quit-rent on equitable taxation, such Government Land, (to the same extent as he is to part with) as he will point out, still to be laying waste, in the neighbourhood of his said place called Wolvekloof, and that of his mother the Ezeljaght, and he also begs leave to request that a sum of six thousand guilders may be restored to him, being the true amount of the costs of such new buildings, pounds, &c., as by the aforesaid division on that part of the land calculated for the use of the Institution of Genadendal.

In expectation of Your Excellency's further directions on the subject, I have the honor to be with the greatest respect etc.

(Signed) D. J. VAN RYNEVELD, Landdrost.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 10th October 1814.

MY LORD,—I have the honor to transmit, for your Lordship's information, the Copy of a Letter addressed to this Department, by Command of the Lords Commissioners of the Treasury, enclosing one from the Deputy Storekeeper General, dated the 19th Ultimo, with a Return of Quarter Master General's Stores shipped on board the *Woodbridge* Transport for the Cape of Good Hope.

I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 10th October 1814.

MY LORD,—I have received, and laid before The Prince Regent, your Lordship's letters of the Dates and Numbers specified in the Margin.

I have to acquaint your Lordship that as you had judged it necessary that a Collector of the Customs should be appointed at Simons Town, in consequence of that place having become a permanent Naval Station, your selection of Mr. Truter to fill that Situation has been approved. I must however particularly recommend to your Lordship neither to augment any present or create any new Establishment until you have submitted such Measure for the consideration of His Majesty's Government and have received its Sanction, both of the arrangement proposed and of the Expence to be thereby incurred.

And in the Case of Vacancies in existing Appointments, I request you will only nominate proper persons to discharge the Duties *pro tempore*, who are clearly to understand that such nomination must be subject to confirmation at home.

I beg to be furnished with a full Report of the whole Colonial Establishment, specifying the several Offices, by whom filled, and the Amount of their respective Emoluments.

His Royal Highness The Prince Regent has been pleased to appoint Mr. Thomas Sheridan to succeed Mr. Byng as Civil Paymaster at the Cape, and you will on his arrival in the Colony put him in possession of that Appointment. I have etc.

(Signed) BATHURST.

[Copy.]

*Letter from DEPUTY SECRETARY BIRD to the
LANDDROST OF SWELLENDAM.*

SECRETARY'S OFFICE, 12th October 1814.

SIR,—I am directed by his Excellency the Governor to transmit to you the enclosed copy of a letter from the landdrost of Stellenbosch, communicating Mr. P. Morkel's reply to His Excellency's decision with respect to the land about to be attached to the Hottentot Institution at Genadendal; it appearing therefrom that Mr. Morkel is not satisfied with the directions given in this case, it only remains for you to execute precisely the orders conveyed to you in my letter of the 9th ultimo, by proceeding to value the actual worth of the buildings upon Mr. Morkel's loan place, which, you will give him due notice, will be resumed on the first day of

the ensuing year, paying him the valuation which shall appear to be just. After that you shall have taken the possession of the land not intended for the Institution, you will be pleased to divide the same into convenient lots, adding thereto so much public ground, if necessary, as shall reasonably augment the value of each lot, and then, after notice to this office and due advertisement, put the same up to public auction upon a perpetual quit rent.

The Receiver of Land Revenue has been furnished with a copy of this disposition for his guidance. I have etc.

(Signed) C. BIRD, Deputy Secretary.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas D. Denyssen, Esq., His Majesty's Fiscal, and J. W. Stoll, Esq., Landdrost of the Cape District, have, in obedience to my Commands, assessed the different Farmers in the Cape District, in such proportions of Barley as it will be incumbent on them to furnish for the supply of His Majesty's Cavalry, during the ensuing year; I do therefore hereby think proper to notify my approbation of the above-mentioned assessment, and further to direct, that the several Farmers herein named do deliver at the Commissary General's Stores in Cape Town, on or before the last day of March, 1815, one half of the several Quotas of Barley, expressed against their Names in the following List, and the remaining half on or before the 1st of October next.

And if any Farmer or Farmers so assessed, shall not have delivered his or their proportion of Barley, on or before the days above stated, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the Market Price may be, at the expence of such Farmer or Farmers, and to be delivered into His Majesty's Stores.

The Inhabitants dwelling in the neighbourhood of Saldanha Bay, may deliver their Quotas to the Superintendent, Mr. Kendler, who will be directed to give Receipts for the same; and such Farmers as may not be able to furnish the whole proportion of their assessment in Barley, will be at liberty to deliver Oats, provided Five Muids thereof be given in lieu of Four of Barley.

The Price to be paid for the Barley and the Quotas of the Districts of Stellenbosch and Tulbagh, will be notified in a future *Gazette*.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 28th day of October, 1814.

(Signed) C. H. SOMERSET.

[Office Copy.]

DOWNING STREET, 28th October 1814.

Passport for Mr. Breinbrech and family to go to the Cape.

[Office Copy.]

Letter from ADAM GORDON, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 28th October 1814.

MY LORD,—In the absence of the Under Secretary of State, I am directed by Earl Bathurst to introduce to your Lordship Mr. John Daniel Breinbrech, who is about to proceed to the Cape of Good Hope in consequence of his having been appointed to assist in the Mission of the Church called the Unitas Fratrum among the Hottentots. Lord Bathurst is satisfied that your Lordship will be disposed to afford him every facility in your power for furthering the important Object he has in view, and that it is consequently unnecessary to give him a more particular recommendation to your Lordship's favor and protection. I have etc.

(Signed) ADAM GORDON.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 3rd November 1814.

MY LORD,—I have the honor to transmit for your Lordship's information and guidance, the Copy of an Order of His Royal

Highness The Prince Regent in Council, dated the 24th of September last, for regulating the Trade and Commerce to and from the Cape of Good Hope and the Territories and Dependencies thereof. I have &c.

(Signed) BATHURST.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of a quantity of new paper money to replace worn out and defaced pieces.

4th November 1814.

[Translation.]

Extract from the Speech of the Prince Sovereign of the Netherlands on the opening of the first ordinary assembly of the States General at the Hague, on the 7th of November 1814.

It would have afforded me peculiar satisfaction, Gentlemen, to have been able to communicate to you, at this time, the extent of the Territory of the State and of its Transmarine Settlements; but there exists a necessary connexion between these political arrangements, in virtue of which their maturity must be coeval, and they must be carried into effect at the same period of time. In consequence of separate arrangements entered into with the Government of Great Britain, I have however been enabled to adopt measures for the reoccupation of the most considerable part of the ancient Colonies of Holland, and this important subject particularly engages my attention for the present. Our flag will soon be unfurled in those regions where the enterprising spirit and indefatigable industry of our Forefathers have produced effects nearly as wonderful as those which have been accomplished in their Native Soil. Java in particular, that invaluable Colony, favoured with an enlightened Government and a free Navigation, will soon open new sources to our Trade, and be productive of advantages more than sufficient to compensate for what the lapse of time has caused us to lose in other parts.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 9th November 1814.

MY LORD,—I herewith enclose the Copy of a letter which I have addressed to Mr. Truter, the Chief Judge at the Cape of Good Hope, relative to the Woman Slave called Maria, whose freedom Sir David Baird and Sir John Cradock have taken much pains, but ineffectually, to procure; and I am to request your Lordship will employ all your influence to give effect to the anxious wishes expressed in my letter to Mr. Truter. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 10th November 1814.

MY LORD,—In April 1812 Lord Liverpool, at the request of Lord Caledon, addressed a letter of recommendation to Sir John Cradock in favor of Mr. Crozier employed in the Civil Service at the Cape of Good Hope. A Copy of that Letter I now enclose, together with one containing a renewal of Lord Caledon's recommendation, and I shall be glad, if any opportunity offers, that your Lordship will give effect to his wish of obtaining promotion in the Service for Mr. Crozier, who is represented to be a very meritorious public servant. I have &c.

(Signed) BATHURST.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by Proclamation of the 28th of October last, it was made known, that the Quotas of Barley, which the different Farmers in the Districts of Stellenbosch and Tulbagh are to furnish for the supply of His Majesty's Cavalry for the ensuing

year, as also the price to be paid for the same, should be notified in a future *Gazette*; and whereas D. Denyssen, Esq., His Majesty's Fiscal, and J. W. Stoll, Esq., Landdrost of the Cape District, have transmitted to me Lists of the said assessments, and have also reported to me, that the sum of 5 Rds. for a Muid of Barley, or a Muid and a quarter of Oats, appears to be a fair and equitable price for the same :—I do hereby make known my approbation of the before-mentioned assessments, and that the above sum will be paid by the Deputy Commissary General for all the Barley he may receive during the time stipulated in the said Proclamation of the 28th of October last, from the Farmers residing in the Cape, Stellenbosch, and Tulbagh Districts; and be it also further declared, that everything contained in the Proclamation above alluded to, is to be considered as if it were here inserted.

(List of Farmers in the Stellenbosch and Tulbagh Districts, assessed to furnish 10,700 Muids of Barley, for the supply of His Majesty's Cavalry, for the ensuing year 1815.)

Given under my Hand and Seal, at the Cape of Good Hope, this 11th day of November, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the Board of Landdrost and Heemraaden of the District of Swellendam has represented to me, that the income levied in that District by virtue of the Proclamation of His Excellency Sir John Francis Cradock, of the 1st of April last, is insufficient for covering the extraordinary expence to which the District of Swellendam has been put, by the maintenance of Lepers, by the expence of Public Schools, and to effect the payment of debts incurred in the two preceding years under those heads; I have therefore thought proper to direct, and hereby direct and authorise the Board of Landdrost and Heemraaden of the District of Swellendam aforesaid, in compliance with the 4th Article of the Proclamation of the 1st April aforesaid, to assess the Inhabitants of the said District of Swellendam in the manner pointed out by Law, to such amount as will cover the aforesaid expences and deficiencies.

The amount of money so raised, is to be accounted for in the usual annual accounts of the District, and to be submitted to the Auditor of Accounts, as pointed out by the 24th Article of the Proclamation aforesaid.

And whereas, with reference to the 20th Article of the said Proclamation of the 1st April last, it appears expedient, that the Turnpike Toll at the entrances of the Village of Swellendam should be continued, the Board of Landdrost and Heemraaden of Swellendam is therefore hereby authorised to continue to levy the same upon the same terms and footing as those upon which the said Toll has been heretofore collected.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 11th day of November, 1814.

(Signed) C. H. SOMERSET.

[Office Copy.]

DOWNING STREET, 11th November 1814.

Passport for Mr. Eckart to proceed to the Cape.

[Original.]

Letter from COLONEL GRAHAM to EARL BATHURST.

BALGOWAN, PERTH, 21st November 1814.

MY LORD,—In conformity to Your Lordship's orders I have now the honor to state that immediately after my arrival in Scotland I wrote several letters to individuals in the County of Sutherland with a view of ascertaining how far the inclination to emigrate still continued to prevail in that part of the Highlands, the only part where, from the circumstance of my having been long Major of the 93rd Regiment (Sutherland Highlanders) I had any knowledge of, or interest amongst the lower orders, from whom alone I have the means of obtaining *positive* information on this subject.

I transmitted a memorandum thence, stating that, in the event

of any numbers of these people being inclined to go to the Cape of Good Hope, or British American Colonies, I should make application to Government to procure them a free passage, and to supply them with agricultural implements and the means of subsistence until they were enabled to maintain themselves, and which to my certain knowledge they may do at the Cape in 6 months after their arrival, provided they reach their destination at seed time, viz. May and June, as in the part of the Colony proposed for their establishment, returns in wheat of from 40 to 70 for 1 are common, from which cause together with great quantities of cattle and sheep, they might be maintained at a very trifling expence. Your Lordship is probably aware that there are few if any of these people who, if placed there free of expence, could not afford to purchase a small farm stock, say 4 cows in calf 40 dollars, 20 ewes in lamb 30 dollars, or £14 currency.

As in my letters and proposals I gave no authority for making their contents public, but alone to sound the inclination of the people, the only means left for doing so to those to whom they were addressed were verbal communication with their friends and acquaintances in different parts of the country, and hence has arisen the delay which prevented me from addressing Your Lordship sooner on this subject; as I have only just received 2 letters from different individuals of the lower order in that County. By these it appears that a great many families are most anxious to proceed to the Cape. I do not trouble your Lordship with enclosing these letters, from which the following are extracts, viz. "nothing could give me more pleasure than to find you still seem to have the same anxiety for procuring a free passage for the Highlanders to the Cape of Good Hope; the terms of your letter is so agreeable and so very enticing to a number of my poor countrymen that few of them has got one scruple." Another states: "I hereby beg leave to trouble you a little on the subject, for my own part I am confident a number of Highlanders will grasp at the proposal and I can state farther that I could myself muster 100 persons that would go to settle at the Cape. Being a native of Ross-shire, and well acquainted with all the Highland Districts at large, I have reason to be as good a judge as any of such as are harassed in their present circumstances by the avarice of their landlords."

No offer has been made to me to go to North America, but

indeed I could hardly expect it; as I am aware that my going to the Cape is a chief inducement to these people to go there, as, tho' I never was in the County, I am known to them thro' the medium of the soldiers who served under me, and in consequence of which I last year took some pains to ascertain how far any of the Highlanders who had resolved, or were in a manner forced to emigrate, might be inclined to settle in that Colony, as I had the honor to state to your Lordship, and particularly as vast numbers of that invaluable class of subjects had emigrated to the United American Provinces, from the Government of which they, I am well informed, received a bounty.

As the causes of emigration still continue, I have information on which I can depend that numbers of the Highlanders are still preparing to depart, and I am therefore extremely anxious to receive from Your Lordship such Instructions as may enable me to secure the numbers Your Lordship may think proper, and which I have no doubt of being able to do, when provided with sufficient authority to enable me to make a promise and conclude an agreement.

Your Lordship will readily perceive that my not having gone in person to the Highlands proceeded from an idea that I should better fulfil your Lordship's intention by the measures I have adopted. I have etc.

(Signed) JOHN GRAHAM, Colonel.

[Copy.]

*Letter from DEPUTY SECRETARY BIRD to the LANDDROST
OF SWELLENDAM.*

SECRETARY'S OFFICE, November 23rd 1814.

SIR,—I am directed by His Excellency the Governor to transmit to you the enclosed copy of a memorial from P. H. Morkel, praying that His Excellency may be pleased to withdraw the decision taken with regard to his Loan place, and to acquaint you that, as Mr. Morkel has explained his refusal to accede to the terms formerly pointed out to him, to have arisen from mistake, His Excellency desires that the proceedings directed by my letter of the 12th ultimo may be in so far staid,

and that Mr. Morkel may be permitted the benefit of the former decision of His Excellency in this case. I have etc.

(Signed) C. BIRD.

[Copy.]

Memorial of MR. PHILIP MORKEL.

To His Excellency Lieutenant General Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c.

The Memorial of Philip Morkel, holder of the loan place named Wolvekloof situated in the Drosty of Swellendam,

Respectfully sheweth,

That the Moravian Brethren belonging to the Institution of Genadendaal, situated in the abovementioned district, having applied some time ago to His Excellency Sir John Francis Cradock for a piece of ground in the vicinity of said Institution, and the application being referred to the Landdrost of Swellendam for report, that gentleman in consequence sent for memorialist (part of the land in question being within the extent of his loan) and proposed to him to give up the same, in consideration of which he should have all the Government ground on the other side of his place, which proposal Memorialist, as considering it in every respect reasonable, assented to.

That shortly afterwards Memorialist being summoned by the landdrost of Stellenbosch, in whose district he resides, was informed by him that Your Excellency had been graciously pleased to come to a final decision respecting said ground, at the same time communicating to Memorialist a letter from the Landdrost Buissinne containing the terms of that arrangement, namely that for such quantity of ground as might be withdrawn from him on the one side, he should have double that extent on the other, wherein Memorialist willingly acquiesced, translation of which letter he takes the liberty to annex.

That some conversation having taken place on that occasion between Mr. Van Ryneveld and Memorialist respecting certain buildings which stood within the limits of the ground about to be granted to the Institution of Genadendaal, Memorialist is led to suppose that such must have caused some misunderstanding

between him and the landdrost of Stellenbosch, as about eight days ago that gentleman to his great surprise informed him orders had been given by Your Excellency that the buildings on Memorialist's Loan place should be valued, the grant withdrawn, and the overplus of the ground, after the grant to the Institution, publicly sold to the highest bidder.

That as Memorialist conceives this second disposition must have been caused through some misunderstanding or mistake, he therefore takes the liberty to lay the above circumstance before Your Excellency, respectfully requesting that Your Excellency may be graciously pleased to withdraw the grant only of that part of his loan land destined for the Institution, agreeably to Your Excellency's 1st decision as stated in the abovementioned letter of Mr. Buissinne to Mr. Van Ryneveld, and on the terms and conditions specified therein.

And Your Excellency's Memorialist as in duty bound shall ever pray.

(Signed) P. H. MORKEL.

[Original.]

*Letter from THOMAS COURtenay, ESQRE., to MAJOR
GENERAL BUNBURY.*

INDIA BOARD, 25th November 1814.

SIR,—Having received a statement from Mr. Rennie of the tonnage which will be required for conveying to the Cape of Good Hope the additional water works mentioned in my letter to Mr. Goulburn of the 3rd January last, which will amount to sixty-seven tons by weight, but much more by measurement; and having also been required by the Governor to send out, for the Agricultural Board at the Settlement, the husbandry, stock, &c., specified in the enclosed memorandum, I have to request that you will move the Earl Bathurst to give directions to the Commissioners for the Transport Service, to provide the necessary tonnage and accommodation for these several articles, at the earliest convenient opportunity.

I have the satisfaction of stating that none of these supplies

will occasion any application to His Lordship for pecuniary assistance. I have etc.

(Signed) THOS. PER. COURTENAY,
Colonial Agent for the Cape of Good Hope.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 30th November 1814.

MY LORD,—The Reverend Mr. Jones has represented to me, that by a Communication lately made to him he finds that in consequence of the Regulations established respecting Civil Officers during leave of Absence, any further issue of Salary to him as Chaplain is directed to be stopped until Authority is given by this Department for its continuance. I am therefore to state to your Lordship that as the Leave of Absence was granted to Mr. Jones previously to the establishment of the Regulations in question, and as I understand that every proper arrangement was attended to before his departure to provide for the due execution of his Duties, I am to desire that your Lordship will give directions for continuing the payment of his Salary as before during the remainder of the period to which his Leave of Absence extends. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 2nd December 1814.

MY LORD,—Herewith I transmit for your Lordship's information and guidance the Copy of a Letter from Mr. Lushington, Secretary to the Treasury, dated the 28th Ultimo, enclosing the Account of Robert Willimott Esq^r., in respect of Money remitted to him from the Cape of Good Hope, also with respect to Monies issued to him in this Country in the Year 1812 for supplying that

Settlement with Cast Iron Pipes, with the Observations of the Treasury Auditors thereon. I have etc.

(Signed) BATHURST.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the exchange of new for worn out and defaced paper money.

16th December 1814.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas doubts having arisen with respect to the quantity of disposable Government Ground in the vicinity of this Town, and with respect to the limits of private Property as affecting the same, a Commission was appointed in the year 1811, for the purpose of superintending a complete Survey thereof, and examining the documents and titles to the Land claimed and occupied as private Property:—Now be it hereby made known, that the Survey of all the Land situate and being to the right of the great Road from Cape Town to Simons Town, and extending from the Military Lines to the Estate of Claasenbosch, now possessed by W. F. Versfeld, has been completed, and laid before me by the Government Sworn Surveyor L. M. Thibault; and having personally examined the same, and compared the whole with the documents in support thereof, and the reports relative thereto, I do hereby declare my entire approbation of the same, and hereby recognize the boundaries as described thereon, to be the true limits of the respective Estates therein described.

And it appearing, moreover, that the Occupiers of several of the Estates alluded to, have, either through error or inadvertence, enclosed or cultivated proportions of Land, to which the former Grants of this Government have not entitled them, I have resolved to cede to each of the Parties alluded to, the Land so

illegally held by them, upon due valuation thereof, by the Magistrate of the Cape District, provided the Parties interested take out, within six months from the date hereof, the usual title, authorising them to occupy the several spots of Ground in question.

And whereas it appears, that within the limits of the Survey under consideration, there are other Persons who claim Government Land, in virtue of certain Resolutions of the former Government, although they had not obtained regular titles thereto; and being desirous, whenever the interest of the Crown, and local circumstances, will admit of it, and no actual disposition has taken place, or been directed, to give favourable consideration to claims of the nature alluded to, I have given detailed instructions to the Landdrost of the Cape District, to value such of the Lands alluded to, as are specified to him, as being such as may, without detriment to public interest, be alienated, in order to their being ceded under regular title to the Parties in question.

And it is hereby recommended to all Holders of Land in the direction of the said Survey, for the prevention of all future disputes, with respect to the boundaries or extent of the Land they occupy, to cause to be taken from the general Survey under consideration, a Diagram or Chart of the Lands they possess, which Diagram, with a proper Certificate from the Colonial Secretary, will be delivered to each Applicant, free of expence, excepting the usual cost attending the Land Surveyors copying the same.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal at the Cape of Good Hope,
this 23rd day of December, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas of old, it was established, that no Person whosoever should kill, take, or destroy Game, without a regular Licence from

Government, first had and obtained, the said Licences having been issued to the Inhabitants of Cape Town and the Cape District from the Colonial Secretary's Office, and, in the remoter Districts, from the respective Landdrosts of the several Drosties:—And whereas the great quantity of Game which in those times was found in every part of the Settlement, and the scanty population thereof, rendered such restrictions for a time unnecessary, and the obligation of taking out any Licence was therefore finally done away by Proclamation of His Honor Lieut. General Francis Dundas, dated 30th April, 1801.

And whereas it has been found, that great abuse has been made of the indulgence intended by the aforesaid indiscriminate permission to take and kill Game, insomuch, that the quantity destroyed, and continually destroying, bids fair to exterminate all Game of every description from the Settlement, and the paucity thereof now is become matter of universal regret and complaint. It is therefore hereby strictly ordered, that from and after the 1st of February next, for the Cape and Stellenbosch Districts, the Residency of Simons Town, and the hither parts of the Tulbagh District, viz. the Field-Cornetcies of the Village of Tulbagh, Breede River, over the Breede River, the Goudine, behind the Hex River, over Hex River, and the 24 Rivers, and from and after the 1st day of December next, for the remoter Districts, no Person whosoever shall be at liberty to shoot or kill Game, either by Gun or Dog, unless he shall have previously obtained a Licence to that effect, that is to say, all Persons residing in Cape Town, Cape District, and the Residency of Simons Town, from the Office of the Secretary of the Colony, and all other Persons from and under the Signature of the respective Landdrosts, upon a Stamp of 5 Rds., which Licence will be in force only for one Season, viz. from the 1st of December to the 30th of June of each year; and any Person killing or destroying Game without the aforesaid Licence, shall forfeit, on conviction, the sum of 50 Rds., one half of which sum shall be paid to the Informer: And in order to define what Animals in this Colony come under the description of Game, the following are to be considered as such, viz. Hares, Zebras, Partridges, Pheasants, Knorhaan, Pauws, Ostriches, and the whole Antelope species.

And whereas a most immoral and profligate practice prevails, of employing the Sabbath-day as a day peculiarly appropriated to the amusement of shooting, it is therefore hereby most strictly

forbidden, henceforward, that is, from the publication of these presents, in the several Districts throughout the Colony, to shoot or kill Game on the Sunday; and any Person convicted of offending herein, shall be fined in a penalty not exceeding 100 Rds. for the first offence, and 300 Rds. if proved to have repeated the offence after a first conviction; which penalties shall be recoverable by the usual process before Commissioners of the Worshipful the Court of Justice, or before the Court of Landdrost and Heemraaden of the respective Districts, as the cases may require.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope,
this 23rd day of December, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the time given by the Proclamation of the 6th of August, 1813, to the Occupiers of Loan Places, to apply to the Governor for the time being, for the conversion of such irregular and uncertain tenure into that of perpetual Quitrent, with the privileges, and at the low Rent fixed by that judicious enactment, has now elapsed; and whereas it appears that many Persons are still uncertain, as to the effect of their not furnishing themselves with a permanent title to the Lands alluded to:—These are therefore to publish and make known, that, in order to give to each Individual full time to avail himself of the beneficial tendency of the Regulations in question, I have judged fit to prolong, and hereby extend the term, in which such Persons are entitled to the privileges attached to those who make application for the conversion of their Loan Places into that of perpetual Quit-rent, by the aforesaid Proclamation of the 6th of August, 1813, for eighteen months, to commence from the 1st of January, 1815, and expire the 30th June, 1816; after which date, such Loan Leases as shall not have been applied to be converted into the tenure of perpetual Quit-

rent will be resumable, as occasion and circumstances shall require.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 23rd day of December 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the frequent and alarming fires which have broken out in the vicinity of the Woods, to which this Capital now looks for its supply of the important article of Fuel, do not appear to be altogether attributable to accident, but from many circumstances, seem to be the effect of design, and to be chiefly occasioned by the practice of the Coolies and Slaves, illegally employed in collecting Firewood, setting fire to the underwood upon the waste or public Land, with the view of obtaining such Wood in a dry state, and with less trouble to themselves. And whereas it appears that the aforesaid custom of sending Coolies and Slaves to collect Wood, is altogether illegal, and has been frequently prohibited, not only in the General Regulations (*Placaat*) for the Police of the Settlement of the year 1743, but in several subsequent public Notifications. And whereas, independent of the reasons which have antecedently been held sufficient to induce a prohibition of the indiscriminate cutting of Firewood upon the Government Wastes, such as the great danger of Fires alluded to; the opportunity thereby given to the supply of runaway Slaves, Thieves, and Vagrants, with food and other necessaries, by their Companions or Accomplices of Cape Town; and the constant necessity that it occasions, of watching private property, to prevent trespass and dilapidation; the great extension and number of private Estates reducing the waste Land to small compass; and the quantity of Wood now grown upon private Estates for Fuel;—call for a total stop being put to this illegal system, and render it altogether unnecessary to the due supply of Individuals, the labour of whose

Slaves in other employments will be more valuable to them, than the Wood so inconveniently collected:—Be it therefore hereby made known and ordered, that from and after the first day of March next (which date is fixed upon, in order to give sufficient notice to such as have been in the habit of so employing their Slaves,—although illegally,—with the view to their taking other means to supply themselves with Fuel), it shall be entirely and totally prohibited for all Coolies, Freeblacks, Hottentots, Slaves, or others, to cut any Firewood whatever upon the public Wastes, or to bring to Cape Town such Firewood in loads upon sticks, in the usual manner, or otherwise, either for the use of their Masters or Employers, or for sale; and the Officers of Police are hereby authorised and ordered to stop any Coolie, Freeblack, Hottentot, Slave, or other, so bringing Wood into Cape Town; and having seized the Firewood, (which shall be forfeited), to take the said Offender before His Majesty's Fiscal, or the Landdrost of the District, as the case may require, who shall commit the Offender to the public Prison, there to be punished as a Trespasser and Vagrant:—And the Field-Cornets and others are hereby directed and commanded, to prevent any of the Persons herein alluded to, from cutting Firewood upon the public Wastes, and to take such Trespassers up, in order to their being confined and punished as aforesaid: And His Majesty's Fiscal, and the Landdrost of the Cape District, are hereby called upon and required, to use their utmost vigilance to enforce strict compliance with this injunction. But nothing herein contained is to be construed to prohibit any Proprietors of Land from cutting Firewood upon their own Estates, or sending it to Cape Town by their Slaves or others, provided they furnish such Slave or other Person with a proper pass, stating the Wood to be cut upon their Properties, and stating to whom such Wood is to be delivered, without which pass such Slave or other will be liable to be treated as the Offenders above-mentioned. Neither is it to be understood, that the provisions of this Proclamation have any reference to the Persons who obtain the usual Licences for cutting Firewood in the Cape Flats, and who send such Wood into Town in Waggons.

And in order to give the fullest publicity to this enactment, besides the usual method of publishing and affixing the same, it is hereby ordered, that the respective Wardmasters shall, within ten days from the Publication, assemble at least one Slave or Free-

black from each House in his respective Ward, and read, or cause to be explained, to such Slaves and Freeblacks so assembled, the true meaning and intent hereof; and of his having complied herewith, he shall transmit a Certificate to His Majesty's Fiscal.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of December, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it is extremely desirable and highly necessary, that permanent Landmarks should be placed and continued at the several Angles of the respective Landed Properties and Estates within the Settlement:—It is therefore hereby directed, that whenever a regular Survey has taken place, of any Estate or Landed Property, the Government Surveyor shall point out to the Possessor or Occupier, the proper Angles thereof, when such Possessor or Occupier shall be bound, within three months, to cause to be erected, durable Landmarks of Stone and Lime, or of Brick and Lime; and if any such Possessor or Occupier shall fail in causing such Landmarks to be built within the time specified, the Landdrost of the District shall call upon him, in writing, to do so; and should he still neglect or refuse to comply with such direction, then the Landdrost shall be, and is hereby directed and authorised to cause such Landmarks, as aforesaid, to be built at the expence of the party so neglecting; and such party shall also be liable to a penalty of 25 Rds. beyond the expence of the Landmark, for each Landmark erected as aforesaid; which expence and penalty shall be recoverable in the usual manner of small fines, by summary Sentence of the Court of Landdrost and Heemraaden of the District. And it is hereby further ordered, that the Commissioners from the Court of Landdrost and Heemraaden do, from time to time, inspect the boundaries of the several Estates within their jurisdiction, with the view of keeping up the Landmarks thereof; and that they call upon the respective Field-Cornets to report to them the state of such Landmarks in the several

Divisions, in order that such persons as shall have suffered any Landmark or Landmarks to go to decay, may be called upon, in writing, without delay, to place the same in proper and substantial repair. And it is hereby declared, that if any person shall neglect to comply with such Requisition from the Landdrost of the District to repair the same, within three months, such Landmark or Landmarks shall be repaired at his cost by direction of the Board of Landdrost and Heemraaden, and the expence thereof, together with a penalty of 25 Rds. for each Landmark so repaired, shall be recoverable against him in the same manner as herein before directed.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 23rd day of December, 1814.

(Signed) C. H. SOMERSET.

[Copy.]

Government Advertisement.

It having been represented to His Excellency the Governor, that, in consequence of the rapid decrease of Game in the Tulbagh District, it appears desirable, that the Regulations established for the preservation of Game by the Proclamation of the 29th July last, should be extended to the Tulbagh District:—His Excellency, therefore, has thought proper to direct, and it is hereby made known, that the provisions of the Proclamation of the 29th July aforesaid, are to be henceforward, in every respect, enforced within the said District of Tulbagh.

Cape of Good Hope, 23rd December 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Original.]

Letter from SIR JOSEPH BANKS to EARL BATHURST.

SOHO SQUARE, December 24, 1814.

MY DEAR LORD,—Allow me to profit by your Lordship's kindness in permitting me to solicit your Lordship's recommendation to Lord Charles Somerset at the Cape in favor of my Godson there, who holds the office of Government Resident at Simon's Town, to which post he was recommended by the late Governor Sir John Cradock, who in his letter to me speaks warmly in favor of my Godson, from whence I trust I may conclude that he is a deserving man and one of unblemished character.

He is the son of the master and mistress of the house where I lived when at the Cape in the year 1770; he was not born when I left it, but his father and mother, who had been very kind and civil to me while I lived with them, requested me to answer for him at the font, to which I readily acceded. He is therefore now just 44 years old, which I consider as the most active part of the human life. He has a wife and children, one of whom he has dedicated to me by calling him my great Godson. His father was Resident at Simons Town while the Dutch held the Colony, and his family have always been intelligent and correct in their conduct.

I have troubled your Lordship with this detail in order to prove that I shall feel myself deeply indebted to your Lordship's goodness if my Cape Godson shall under your Lordship's protection meet with preferment in his line.

The name of my Godson is Joseph Brand.

I have &c.

(Signed) Jos. BANKS.

[Original.]

Letter from MR. F. W. FAGEL to EARL BATHURST.

HAGUE, 24 December 1814.

MY LORD,—His Royal Highness the Prince of Orange having been graciously pleased to appoint me to a situation in my native

country, I consider myself under the obligation of resigning the one I have the honor of holding under His Majesty's Government at the Cape of Good Hope. I therefore lose no time in making this communication to your Lordship, and I beg leave at the same time to request that I may be allowed to enjoy the emoluments of Vendue Master until my resignation shall be known at the Cape.

Your Lordship is no doubt aware of the nature of the situation of Vendue Master, to which no fixed salary is attached, but the emoluments of which consist in a percentage on the proceeds of public sales, out of which the vendue master has to pay the duties levied by Government on public sales, besides Salaries to different Individuals (nine in number) employed by him, and for whose conduct and proper behaviour he is answerable to Government. It would therefore be superfluous to point out to Your Lordship the various inconveniences which must necessarily take place if I were to be deprived of the profits of my situation previously to my deputy actually resigning it into the hands of my successor.

I have etc.

(Signed) F. W. FAGEL.

[Original.]

*Letter from THOMAS COURtenay, ESQRE., to MAJOR
GENERAL BUNBURY.*

NEW NORFOLK STREET, December 29th 1814.

SIR,—As it is probable that in the course of the ensuing year the duties on Exports and Imports, and the general Regulations of Trade, will undergo a revision, I am desirous of calling the attention of Lord Bathurst to some points connected with the Settlement of the Cape of Good Hope, which may deserve consideration in the expected arrangement.

The Legislature has already thought fit to place the Cape, in respect of a principal article of its production, on a footing much more favourable than Foreign Countries which produce the same article : I am instructed to solicit His Majesty's Government for the extension of a similar indulgence to other articles of Cape produce,

which appear to be entitled to it upon the same principles as caused its application to *Wine*.

In the present Table of Custom duties no distinction is made between Imports from the Cape and Imports from a Foreign Country, altho' the article be of the produce or manufacture of His Majesty's Territory, and not one which can interfere with the more immediate interests of this Country.

Such is not the general principle of our Plantation Laws; the produce of the West Indies and of British North America are protected against the competition of Foreign Nations or their colonies by a difference in the duty, or by a prohibition. And even grain, an article not only grown in the United Kingdom, but of which it is highly important to extend the growth, is permitted to be brought from His Majesty's Settlements abroad, on terms more favourable than from Foreign Countries. That these principles have not hitherto been applied to the Cape may perhaps be accounted for in some degree by the novelty of the acquisition, and by the comparative ignorance of its productive powers; but another reason may have hitherto operated in causing this exception to a general rule, the ground of which has recently been removed.

It was not until the present year that the Cape was subjected to the restrictions of the Navigation Laws; foreigners were, under His Majesty's Orders in Council during the late war (suspended only in consequence of the general system afterwards adopted of restriction upon Neutral Trade) permitted to trade freely to that Settlement.

But by the late Order of 24th September 1814, the Cape is placed in regard to navigation under the general rules of Law which prohibit the importation or exportation of goods, at any British Port abroad, in other than British vessels.

Altho' I do not contend for an exception to the Navigation Laws in favor of the Cape, it is my duty to point out to Lord Bathurst that in the opinion of persons well qualified to judge, the value of the Settlement cannot be developed, unless it be made a free port; and such it is understood to have been the intention of the late Batavian Government to make it, had it continued in their possession during the late war.

It has indeed been urged, certainly not entirely without reason, that the admission of Foreigners to trade at the Cape would have

the desirable effect of discouraging their resort to the East Indies, the productions of which being deposited at the Cape might be thence conveyed to foreign Europe or America.

But what I would humbly urge to His Lordship is this, that the Cape being now considered as a British Colony, in point of restriction, has a fair claim to be so considered in point of privilege.

It is true that the articles to which this privilege could at present apply are neither numerous nor very important; nor can I undertake to assert that any reduction of duty would effect a successful competition in them with Foreigners, but as whatever competition should occur would be with foreign nations only and in no case with this Country, it is submitted that the indulgence would at the most be but a harmless experiment.

The articles which it is conceived might be encouraged by the measure and recommended, are principally, *Raisins*, Flax-Seed, Lemons and Lemon Juice, Castor and other Vegetable Oils. The first of these constitute by no means an inconsiderable branch of trade, and those produced at the Cape are known to be very fine; the flax-seed may assist in rendering the staple manufacture of Ireland independent of foreign nations; the lemon-juice is extensively used in the naval and military hospitals.

If, however, the principle for which I humbly contend be correct, I am not called upon to justify its adoption by any particular instances; nor can it be necessary for me to point out to Lord Bathurst the general desirableness of promoting the cultivation and export of the Settlement newly confirmed to His Majesty.

But I take the liberty of reminding His Lordship of a fact of which he has been advised, I believe, by successive Governors of the Cape, namely that great loss is sustained, and in consequence the expenditure of this Country considerably augmented, by the high price of Silver at the Cape; the Spanish dollar being by the latest accounts at 6s. 11d. and 7s., the effect of which in the payments to His Majesty's Troops, as well as in the Colonial Expenditure, cannot fail to attract His Lordship's attention.

It cannot be doubted but that any measures calculated to encourage the exportation of Cape produce would have an effect in lowering the price of Silver; and altho' it is to be apprehended that any thing short of the admission of foreigners would only partially accomplish this end, the consideration is even as to the British trade one of much importance.

Another point respecting duties, which I am instructed to bring before His Majesty's Government may possibly be said to rest upon grounds not entirely similar to those which I have hitherto urged; it requires therefore a separate consideration.

By the several Acts relating to the Whale Fishery, certain only of His Majesty's Colonies are placed upon an advantageous footing in regard to the produce of the fishery when imported into this country; the fishery carried on by His Majesty's subjects residing at the Cape has not this protection. The local situation of the Cape is highly advantageous to the purpose of the fishery, and there can be no doubt but that the existence of an extensive fishery there would greatly conduce to the prosperity of the Settlement.

I certainly cannot, in this instance, undertake to say that the competition would be entirely with foreign nations, or that the indulgence which I am soliciting is general in our Colonial system, but I may be permitted to urge my belief, founded upon respectable publications, that the whale fishery of the Americans in the seas in which the locality of the Cape would give settlers there great advantages, has tended greatly to encrease the means whereby they carried on the trade to the East Indies, in which their competition with British subjects has formerly been so successful.

Upon all the considerations which I have stated, and others which may occur to Lord Bathurst, I now desire humbly to submit to His Lordship the following points:

1st. The propriety of recommending to the Lords Commissioners of His Majesty's Treasury a reduction of the duties payable on the importation of the productions of the Cape, with those exceptions only which exist in regard to other British Colonies.

2dly. The expediency of recommending to the Lords of the Treasury, the supply of Spanish dollars for the ordinary and extraordinary services of the Forces at the Cape, equal to two, or even one month's expenditure.

3dly. The propriety of submitting to the Treasury, and to the Lords of the Committee for Trade and Plantations, the laws affecting the Whale Fishery as connected with the Cape.

I have etc.

(Signed) THOS. PER. COURtenay,
Colonial Agent for the Cape of Good Hope.

[Copy.]

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the year 1814.

REVENUE:

					Rds.	skil.	st.	
	Balance	.	.	.	83,001	3	0½	
Lombard bank	82,548	0	3	
Do. (repayments)	82,453	0	3	
Discount bank	37,427	2	0	
Vendue duties	126,494	5	0	
Customs	265,465	7	0	
Land revenue	123,191	6	4	
Tithes and transfer duties	172,392	7	2	
Stamps	93,260	4	0	
Sequestrator's department	5,070	1	1	
Printing department	11,201	3	3	
Commando tax	43,000	0	0	
Port dues	8,106	2	0	
Postage	6,381	2	0	
Fines	616	5	2	
Fees of offices	52,125	7	1	
Do. wine taster's department	5,616	2	0	
Annual repayment by Stellenbosch	3,000	0	0	
Tolls	18,214	5	4	
New paper money	100,000	0	0	
Burgher senate for waterworks	33,605	6	3	
Miscellaneous receipts	71,676	1	0½	
					Rds.	1,424,850	0	3½

EXPENDITURE:

					Rds.	skil.	st.
Civil list, sterling salaries . . . . .	.	.	.	.	347,661	4	0½
Colonial salaries . . . . .	.	.	.	.	327,432	2	0½
Public buildings, (erection of new and repairs of old buildings) . . . . .	.	.	.	.	115,574	5	4
Cape regiment . . . . .	.	.	.	.	195,001	7	0½
Pay of Hottentot captains . . . . .	.	.	.	.	2,772	0	5
Expenses of offices . . . . .	.	.	.	.	25,115	4	1
Criminal prisoners and convicts . . . . .	.	.	.	.	9,407	2	3
Remittance to colonial agent . . . . .	.	.	.	.	34,976	2	5
Bible and school fund, in aid of the same . . . . .	.	.	.	.	1,787	4	3
Freight and passage money, travelling expenses, &c. . . . .	.	.	.	.	448	3	0
House rent and lodging money. . . . .	.	.	.	.	6,006	0	0
Carried forward . . . . .	.	.	.	.	1,066,183	4	4½

	Rds.	skill.	st.
Brought forward	1,066,183	4	4½
Vessels and boats, purchase money and repairs of ditto, including charges of the harbour master's departments at outposts	14,987	6	5
Buckbay establishment	3,387	5	0
Frontier service	19,348	6	0
Government Constantia wine	1,740	0	0
Commission of circuit	7,300	0	0
Annual repayment by Stellenbosch, (destroyed)	3,000	0	0
Timber	13,390	3	0
Roads and bridges	39,971	3	4
Burgher senate for waterworks	13,081	1	2
Agricultural board	2,550	0	0
Paper money, destroyed	39,000	0	0
Lombard bank	100,000	0	0
Miscellaneous expenditure	22,870	5	2
Balance	78,038	4	4
	<hr/>	<hr/>	<hr/>
	Rds. 1,424,850	0	3½
	<hr/>	<hr/>	<hr/>

(Signed) J. W. STOLL, Rec^r Gen^l.

MISCELLANEOUS RECEIPTS:—1814.

	Rds.	skill.	st.
Fiscal's department, the amount of expenses refunded by several masters whose slaves were criminally prosecuted and afterwards returned to them	589	7	3
Mr. J. Hoets, in reimbursement of the advances made to him on account of the salt beef contract, including interest	51,212	4	0
Landdrost of Uitenhage, the amount for which part of a wreck, supposed to be that of the <i>William Pitt</i> , was sold	58	0	0
Churchwardens at George, in reimbursement of the money advanced to them	7,666	5	2
Dr. Hussey, in reimbursement of the amount advanced as a remuneration to Dr. Duke, who was one of the gentlemen who assisted at the general vaccination .	300	0	0
Colonial paymaster, sundry reimbursements on account of the Cape regiment	10,449	0	1½
Commissary General, on account of store rent	1,400	0	0
Total Rds. 71,676	1	0½	
	<hr/>	<hr/>	<hr/>

(Signed) J. W. STOLL, Rec^r Gen^l.

SUNDRY EXPENDITURE:—1814.

	Rds.	skil.	st.
Secretary to the Cape district, on advances to defray the expenses of surveys of lands applied for by individuals in the first instance	1,000	0	0
Mr. Johnson, sundry articles supplied to a Portuguese brig .	2,615	5	4
Mr. Venus, sundry outlays on account of Government .	299	6	0
J. H. Bruchheiser, meat, &c. supplied to lions, &c. . .	90	0	0
Surgeon Mann, hospital expenses of E. Gom, a sailor .	9	2	5
Mr. Chisholm, for surveying Hottentots Holland Kloof .	182	0	0
Dr. Spencer, hospital expenses of W. Rogers . . .	37	4	4
Mr. Lotter, several articles for St. George's church, Simon's Town	417	7	0
Mr. L. Hove, for furniture, &c. bought by him for Government House.	5,279	2	3
Mr. A. Melone, several articles supplied by him for the use of Government House	4,374	3	0
Dr. Mackrill, for sundry disbursements made by him on account of the Colonial Government . . .	2,241	6	0
Landdrost of Swellendam, for two teams of oxen purchased for the use of Dr. Mackrill on a journey to the interior	720	0	0
Premiums given to the highest bidders at the letting of the wine farms	1,140	0	0
Mr. Richert, in full of all his claims on Government for extra attendance or otherwise in the printing office since the surrender of the colony in 1806	1,500	0	0
Mr. Bruchheiser, for meat, &c. for the lions	153	0	0
Mr. A. van der Kolff, for his services in vaccinating in George's district	400	0	0
W. Underwood, Esq., for articles supplied by sundry persons for the use of Government House	2,266	2	0
Collector of tithes, in reimbursement of the amount of tithes paid by the farmers who brought the greatest quantities of wheat into town during the months of September and October.	143	5	4
Total Rds.	22,870	5	2

(Signed) J. W. STOLL, Rec^r Gen^l.

*Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope
in the Year 1814.*

CHRISTIANS:	HOTTENTOTS:	NEGRO APPRENTICES:	SLAVES:	CATTLE:		Pigs.	Akers.	Goats.	Spaniash Sheep.
				Breeding Oxen.	Breeding Horses.				
Cape Town .	3,646	& d°	3,686 & d°	..	241 & d°	198	3,256 & d°	..	..
Cape District	564	433	472	51	242	170	238	145	7
Stellenbosch	1,245	945	955	1,133	1	346	248	414	266
Swellendam	1,212	1,237	1,287	1,400	19	581	484	582	476
Graaff Reinet	1,695	2,140	1,294	2,101	21,545	1,217	1,688	1,095	..
Uitenhage .	749	761	525	834	..	530	395	529	404
Tulbagh .	.	1,131	1,003	803	1,271	..	1,135	953	931
George .	.	625	537	536	574	18	534	581	671
Total .	10,867	7,061	9,029	7,785	915	1,164	4,048	5,201	4,147
					7	25	4	16,553	8,177
								3,802	13,762
								135,674	113,741
								1,213	1,211
								1,151	1,150
								197,756	197,756
								2121,523	2121,523

*Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope
in the year 1814.*

Records of the Cape Colony.

229.

	MUIDS SOWN:	MUIDS REAPED:			VINES.			Leagues of Wine.			Leagues of Brandy.			Waggons.			Carts.			Freehold Places.			Lands in Quit-Rent:				
		Wheat.	Oats.	Rye.	Barley.	Wheat.	Oats.	Rye.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	Morген.	Roads.	
Cape Town .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cape District .	2,968	862	3,398	84	31,844	20,595	17,107	7694	2,072,854	6714	374	533	94	10	73	144	33	8,296,244	..	..	506	469	..	..	5	556	
Stellenbosch .	5,0494	7884	2,886	132	38,110	13,280	27,755	9484	15,874,020	7,336	458	1,196	188	..	1094	382	221	16,127,118	..	..	1,434	66	..	..	..	..
Swellendam .	2,998	934	153	104	23,472	8,859	973	45	1,127,100	271	534	945	44	..	457	109	..	..	..	..	2	..	..	..	..	..	..
Graaff Reinet .	613	3104	04	0	13,952	5,816	10	6	434,491	1994	734	1,312	22	..	366	1	72	..	..	..	..	..	..	..	..	..	..
Uitenhage .	4414	1304	134	3	3,494	632	33	3	113,400	344	74	558	10	..	146	..	..	..	..	..	..	..	..	..	..	..	..
Tulbagh .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
George .	..	849	3254	234	1	9,010	3,156	54	7	819,342	185	994	530	18	..	230	30	..	..	..	..	..	..	..	..	..	..
Total . .	12,9184	3,3504	6,474	231	119,882	62,337	45,932	1,7794	20,440,707	8,6974	7294	5,074,376	10	1,3814	6666	326	24,829,831	2	..	20,981	1133	..	..	..	..	..

[Copy.]

*Letter from S. R. LUSHINGTON, ESQRE., to
T. P. COURTE^NAY, ESQRE.*

TREASURY CHAMBERS, 5th January 1815.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to desire that you will pay over to Mr. John Pooby Kensington, the Secretary to the Commissioners for examining Colonial accounts, the sum of nine hundred and fifty pounds on account of the salaries and expenses of that Commission, which in pursuance of the Act under which the Commissioners were appointed are to be defrayed out of the Revenues of the islands and settlements, the accounts of which are to be examined by them. I am etc,

(Signed) S. R. LUSHINGTON.

[Original.]

Letter from MR. JOSEPH BUTTERWORTH to EARL BATHURST.

BEDFORD SQUARE, 5th January 1815.

MY LORD,—I have been desired by the Mission Committee of the late Revd. Mr. Wesley's Societies, to apply to your Lordship relative to one of their Missionaries at the Cape of Good Hope.

It appears that in the year 1806, several pious soldiers, members of Mr. Wesley's societies, of different Regiments both cavalry and infantry, were stationed in that Colony.

At a short distance from Cape Town towards the Table Mountain, they at first built with stones a small place in which, as opportunity served, they held meetings for worshipping Almighty God and reading the Scriptures, and where it seems they encouraged each other to "Fear God and honour the King." At length they obtained the use of a Quakers' Meeting House at Cape Town, in which they carried on religious service, and other persons have from time to time joined their Society.

Particular instances of a reformation of morals have occurred, and are well authenticated, and as a proof of the habits induced

by their economy I beg leave to quote to your Lordship a passage from a letter communicated to me, written by one of these soldiers dated Cape Town Sep. 1807: "We endeavor," says the soldier "to impress on each others mind, the duty of becoming humble and submissive to our officers and those that have the rule over us, not with eye-service, but as the servants of Christ, doing the will of God from the heart."

These men have repeatedly written home and have earnestly entreated that a missionary of their own persuasion might be sent out for their religious instruction.

Till this year, it has not I understand happened, that a suitable person could be spared from other stations. At length Mr. John McKinney and his wife, were at a very considerable expense to the Committee sent to the Cape from London.

On their arrival Mr. McKinney applied to the Governor, Lord Charles Somerset, for permission to remain in the Colony and to preach in Cape Town and the country; but his Lordship has refused the permission to preach under an apprehension that his exertions might interfere with the established religion; and Mr. McKinney now remains at the Cape silenced, without being able to fulfil the benevolent intentions of the Committee, but a very serious expense is accruing to them.

This determination of the Governor seems the more singular, as Dissenters are allowed to preach and exercise their devotions at Cape Town, and Mr. McKinney was from his youth educated as a member of the established church of England, and continues to believe, and (when permitted) to preach her doctrines.

The object My Lord of this letter is to request the permission of His Majesty's Government, for Mr. and Mrs. McKinney to remain at the Cape of Good Hope, with leave for him to preach and exercise his functions as a Minister of Religion at Cape Town, and in the contiguous country, as he may find it convenient.

I happen personally to know Mr. and Mrs. McKinney, and am well persuaded of the respectability of their character, and I certainly consider the former to possess suitable talents for a missionary.

His Majesty's Government, and your Lordship in particular, having heretofore manifested friendly and liberal sentiments towards the late Mr. Wesley's Societies, will I trust in this instance also, be pleased to afford protection to their missionary, and allow

him to perform the duties of his office with the necessary facilities, while he conducts himself as a peaceable and loyal subject.

I have etc.

(Signed) Jos. BUTTERWORTH, M.P.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas experience has shewn, that the Regulation formerly established, by which the Wine Growers were prohibited from bringing Wine to the Cape Market, excepting between the 1st day of September of one year, and the last day of January in the ensuing year, was highly necessary for establishing the character of Cape Wine, and preventing the frauds incident to mixing new with old Wine: and whereas, several of the most respectable Wine Merchants of this Place have called upon me to renew the aforesaid Regulation, as extremely essential to the prosperity of the Wine Trade: Be it therefore hereby ordered, that henceforward it shall be entirely forbidden, to bring any Cape Wine, whatever, in casks of any description into the Cape Town or Simons Town, between the 1st day of February, and the last day of August, in each year, on pain of forfeiture of any Wine, which shall be attempted to be brought into either of those Places, during the prohibited period, unless by special authority from me, through the usual Channel.

But it is hereby further declared, that as the supply of Simons Town is chiefly effected from the stores in Cape Town, nothing herein contained shall be construed to prevent or forbid the merchants of Cape Town, or others, from sending Cape Wine, at any time, to Simons Town, from Cape Town, by Land Carriage, provided each Waggon, so carrying Wine, obtains a Certificate from the Collector of Inland Tythes, purporting that the Wine so sent was brought into Cape Town at the regular period, and has paid the Inland Duties.

And the Collector of Tythes, and the Director of the Market, are hereby enjoined to pay particular attention to the enforcement of the Regulation aforesaid.

And in order that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 6th day of January 1815.

(Signed) C. H. SOMERSET.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 7th January 1815.

MY LORD,—Having directed a Copy of your Lordship's letter, under date the 28th September last, urging the expediency of sending Specie to the Cape of Good Hope for the payment of the Troops in that Settlement, to be referred to the Treasury Board, for the consideration of the Lords Commissioners, I have now the honor of transmitting to your Lordship, for your information, the Copy of a letter from the Secretary to that Board on the subject in question. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from HENRY ALEXANDER, ESQRE., to
LORD CHARLES SOMERSET.*

January 17th 1815.

MY LORD,—I received last night a packet containing two despatches to your Excellency from Lord Bathurst, dated July 30th Nos. 10 and 11. It is my misfortune to differ with Lord Bathurst, as it was from his late Excellency Sir John Cradock and the Commission of Finance; and when the Commission adopted the outline, his Excellency's letter to them appeared to suggest, I felt it my duty to mark my dissent in the shortest and most respectful manner. In private to his Excellency, and in public discussion with the Commission I dwelt upon my objection; but when overruled it became my duty to concur in labouring with the rest to render the system adopted as clear and expressive as possible.

When your Lordship did me the honor to consult me, I repeated my opinions, because I believed that H.M's Ministers in acceding to the creation of the million of Rixdollars recommended by Lord Caledon, did it to accomplish the objects proposed by his Lordship, the principal of which was to augment the accredited paper circulation of the Colony. The correspondence of Lord Caledon, Lord Castlereagh, and Lord Liverpool, your Excellency can refer to, and that such were the intentions of the then Governor and H.M's Ministers did not appear to be a question of doubt even to Sir John Cradock, but it did appear to his Excellency (and that he referred to the Commission) that the issue of paper money was excessive, and that a depreciation had taken place in consequence of an excessive issue. I had the misfortune to differ from them, which gave rise to my protest in point of fact, for it appeared to me that the high value metallic money had obtained in Europe, and the still greater it had acquired here, rendered its substitution for the accredited paper to be subtracted from circulation impracticable, except at a very great expense, and that as the Taxes had nearly doubled, land augmented considerably in value, and product still more so, a substitution of some kind would be necessary, and that if the public withdrew its accredited paper, enterprising individuals would force themselves upon the wants of the people, and acquire what the public lost, at great risk to that public.

Such were my opinions, such are my opinions; and in addition I then stated the loss to the Revenue must be replaced; and I know of no tax or imposition which would so little hurt the feelings or prejudices of the people as that which they were now accustomed to, and particularly as the expenses of management and superintendence must continue over the 2 millions left in circulation.

My protest was merely the exclusion of a conclusion that I concurred with His Excellency Sir John Cradock or the Commission, altho' it became my duty (when my opinions were fully stated) to concur in carrying into execution the decision of His Excellency upon whom the responsibility rested, but Lieut. Genl. Meade, the Chief Justice, and Sir John Cradock will all vouch my perseverance in my opinions to have been as strong as was consistent with my respect due to His Excellency's person and situation. I have &c.

(Signed) HENRY ALEXANDER.

[Copy.]

*Letter from LIEUTENANT COLONEL BIRD to LORD
CHARLES SOMERSET.*

CIVIL BUILDINGS, CAPE Town, January 18th 1815.

MY LORD,—Your Lordship having desired my written opinion relative to the policy of annihilating at this moment, according to the suggestion of the Committee of Finance which assembled by command of Sir John Cradock in the beginning of last year, the paper currency to the amount of one million of Rixdollars, which had been created at the recommendation of Lord Caledon by direction of the Earl of Liverpool, I cannot hesitate in thus confirming the sentiments I have so frequently had occasion to express to your Excellency, which are most decidedly in opposition to the measure, and I shall as briefly as I am able give your Lordship my reasons for entertaining them.

I shall, I trust, be acquitted of the charge of presumption in expressing an opinion differing from the suggestion of the late Governor as recorded by his Committee, when it is considered that that opinion is in unison with those of all the principal Officers of this Government who are employed in its financial arrangements, and with the recorded protests of the Secretary to the Colony, Mr. Alexander, and of the Receiver General and President of the Lombard Bank, Mr. Dashwood, who were members of Sir John's Committee.

The paper currency which is alluded to, to the amount of 1,000,000 of Rixdollars, is divided into two equal portions, one of which was added to the Capital of the Lombard Bank, and the other was intended by the Earl of Caledon to be laid out in such interior improvements as required immediate attention, the advances for which improvements however, out of this fund, the respective Districts should be bound to repay by instalments, and their surplus of income, with interest, so that when the total sum of 500,000 Rds. should have been expended, still the interest of it, and the returning Capital should form a new fund for carrying on further improvements, and the Capital always remain secured by Mortgage of the last Expenditure, that being the mode in which the whole of the Colonial Currency is secured.

Lord Caledon did not remain here long enough to carry his plan

into operation, but his successor expended the whole of the 500,000 Rds., and much of it has been diverted from his predecessor's intentions. It is now proposed to annihilate this amount, as it returns to the Treasury, upon grounds which shall be immediately examined, and thereby stop those improvements of paramount necessity, which the whole of this sum, once expended, would still be inadequate to, and that to attain no apparent object excepting perhaps that a particular epoch of the British Administration should be considered as remarkable for improvement.

The addition of this million to the currency is however represented to have thrown too much paper into circulation, and to have therefore rendered some reduction of it necessary, lest the unfavourable rate of exchange against the Colony should increase, which rate, it is assumed, has been greatly influenced by the issue in question.

I do not believe the fact to be so, but am inclined to attribute the great rise of exchange to two natural causes: the one the great excess of imports over the exports of the Settlement.

This Country draws from England or India the whole of its luxuries and the greater part of its necessaries (provisions excepted), its exports are trifling, and consist only of about 5000 leagers of Wine, near 500 tons of Whale Oil, and a very trifling quantity of Wool, the balance due to the British Merchants must therefore be paid by Specie or by Bills of Exchange, and the whole is remittable to England, that is, the sum due to India as well as that due to England. Now as that excess is very great, and as the British Capitalists are very urgent for remittances, it causes a competition for Government Bills which enhances their value to the apparent depreciation of the paper currency, and this depreciation will not be ameliorated until the industry of the Colonists and an increase of the population shall have enabled them to introduce some article of export which shall give to commercial adventure its natural balance. The second cause will explain why this rise of exchange has taken place since the augmentation of the quantity of circulating medium, it being nearly at that time that His Majesty's Order in Council was made known here, prohibiting neutrals from trading to these ports. Antecedent to that period Portuguese and Spanish Merchants from South America, and the Ships of the United States frequented these harbours and made

large purchases of prize India goods, which during the late war were brought hither in great quantity, these they paid for chiefly in Bullion, and although the export of that Bullion was contrary to Colonial law, nevertheless so much of it was remitted to England that it kept the Exchange at a moderate rate, and the effect of the abolition was its immediate rise. That this is not an imaginary cause, I prove from the following facts.

Previous to the issue of the Order in Council in question, the Spanish dollar was below par in exchange against Sterling money, since your Excellency has been here, you were under difficulty in obtaining them at under 7/ Sterling each.

Before the capture of the Settlement in 1806, and consequently long previous to the augmentation of the currency, the Batavian Government drawing but small sums upon their Home Administration, and there being a great anxiety to remit to Holland, their Bills rose to the same price in exchange at which they now are with respect to England, similar causes having always like effects.

I maintain therefore that the amount of Currency now in circulation does not in the smallest degree contribute to the present course of Exchange, which is attributable only to the preceding causes, though I am not prepared to say that the issue of the whole Million nearly at once, contrary to Lord Liverpool's Instruction, which directed the issue to be made cautiously and by degrees, might not have had a momentary and disadvantageous effect upon the Market.

Your Lordship has access to the numerous representations made to Lord Caledon of the necessity of an increase of the circulating medium, and to the Report of the Committee which His Lordship appointed to examine into the causes of the great public distress which certainly existed at that period; it is unnecessary therefore for me to detail here the substance of that Report, it is sufficient to say, that it was their unanimous sentiment that there was a great deficiency of circulating medium, and they grounded that opinion upon the circumstances of the numerous applications to the monied administrations of the Orphan Chamber and the Lombard Bank for advances of currency upon primary Mortgages to 5 or 6 times the amount of the subsequent augmentation and upon the established fact of persons of real property and of great wealth being obliged to have recourse to usurers to procure the immediate assistance they required in circulating medium. This

Committee consisted of men long versant in the affairs of the Colony, and it had for its President the late Mr. Ryneveld, who, in addition to the high character he justly bore for his wise and enlarged views, was intimately acquainted with the Finance of the Settlement and the wants of its Inhabitants, having had the direction of the large capital of the Orphan Chamber (a million and a half) for near twenty years.

Surely then some stress may be laid upon such opinions, and the cases must be the same now, unless any circumstances shall have occurred to alter the situation of the Colony from what it then was. Now what can have caused such an alteration? Every circumstance that I see tends to impress upon me the very contrary of what is asserted.

The population is very much augmented, consequently more circulating medium is required; commerce (as far as import is concerned) has also increased, from which the same consequence is deducible; the aid formerly derived from the importation of specie has ceased, consequently more currency is wanted to replace the deficiency, and lastly the increase of luxury has among other causes enhanced the price of all necessaries of life nearly one third, and it is therefore evident that there is a considerably greater quantity of currency required to perform the same operations in Finance than was necessary previous to that rise.

Very soon after Your Excellency had assumed this Government I had the honour to lay before you a Memorandum with respect to the encumbered and embarrassed state of the Finance, to the administration to which you succeeded, and of humbly suggesting to Your Excellency that it could only be by reverting to those principles of economy which guided Lord Caledon, that Your Excellency could have a hope of extricating yourself from the difficulties by which this branch was surrounded. Your predecessor, it is true, foreseeing that the Revenue would not be adequate to the then Expenditure, had with much difficulty obtained permission through the Secretary of State to draw upon the Treasury for a sum not exceeding £5000 per annum, but as this permission did not arrive in time for his making use of it, Your Excellency wisely decided upon not putting the Mother Country to any further expense on account of this possession, but under every circumstance to make it defray its own expenditure,

but in coming to this resolution Your Excellency certainly calculated upon expending the returning proportion of this 500,000 Rixdollars with its interest, upon the works commenced and in progress, otherwise it would have been impossible not to have directed an immediate stop to all Expenditure, in order to liquidate the amount of debt already incurred from the small savings of the Colonial Revenue.

Were Your Excellency therefore to burn the Currency as it returns to the Treasury, everything must be brought to a stand still, and the important works that are still of absolute necessity must no longer be thought of. The works which continue to press upon your Lordship's attention are all such as must ultimately be either sources of Revenue or be periodically defrayed by District assessments without burthening the usual Colonial Revenue, for example, the heavy expense of the Road making to Simons Town, the Station selected by the Admiralty for its future Naval Establishment, will be amply repaid by the tolls which will be collected upon it, but besides this a net saving of 25 per cent to the British Treasury may be calculated to arise from it in the purchase of every article which that Establishment requires from home. It is known to Your Excellency that at this moment it is with difficulty they are supplied at all from the dreadful state of the communication. Are all hopes therefore to be given up of effecting such an object? Or is it too much to ask that the Government should entrust the person in charge of this Administration with the management of a fund of not more than £55,000 Sterling for carrying these plans into execution, under such security for its reimbursement?

In like manner with respect to the 500,000 Rixdollars issued to the Lombard Bank in augmentation of its Capital (which Capital is all of the same nature as the issue in question), it is matter of notoriety that this addition managed under the instructions given to the Bank by Lord Caledon, has increased the profit of that Establishment from about 40,000 to 120,000 Rixdollars per annum. Can it be reasonably recommended to Your Excellency to call in the issue so made, and thereby reduce the Bank to that nullity it was before it was put into its present activity, and thereby also subtract from the Colonial Revenue such an important source of income.

It is an important feature in the arrangement made by Lord

Caledon, with respect to the issue of the 500,000 Rixdollars placed at the disposal of the Governor for the time being, that whatever building should be erected out of it, or land purchased from it, such building or purchase should be mortgaged to the Lombard Bank for the amount advanced thereby, in case of cession securing the British Home Government against any claim which might otherwise be brought against it in consequence of the addition of the paper in circulation.

I fear I have trespassed too long upon Your Excellency's time, yet I feel that I have not said all that I might have done upon a most important and delicate subject ; it will however be sufficient for me, if I have succeeded in bringing into a small compass the principal objections that occur to me against a measure I heard of on my return here in March last, with much surprise and more concern, considering it as really injurious to the interest of the Settlement and subversive of a system which has hitherto had the most beneficial effects, and which had been approved by His Majesty's Secretary of State after mature consideration.

I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, January 20th 1815.

MY LORD,—I had the honour to receive your Lordship's letter No. 10 of the 30th July last on the 13th instant, and with the most unfeigned anxiety to execute most promptly every wish of your Lordship's, I feel it my duty to state to your Lordship my view of the different subjects to which your Lordship has called my attention.

Your Lordship may be assured that no one can more highly appreciate the important benefits the Bible and School Commissions hold out than myself, nor shall any exertion of mine be wanting to promote their success. Perhaps I can give your Lordship no greater proof of my personal feelings towards those Institutions than by informing you, that I some time since

subscribed from my private purse one thousand Rixdollars to their funds. But it is incumbent upon me to state to your Lordship that a call for ten thousand Rixdollars from the Colonial Treasury to this purpose will, at the present moment be most burthensome, and the more so as it is wholly unexpected, no document left in the Colonial office by my predecessor Sir J. F. Cradock having led me to suppose that he had proposed such an appropriation of the public treasure, and I trust that when your Lordship peruses the enclosed Statement (No. 1) of the funds of those Institutions, you will not regard it as one of such paramount importance as to give it a claim to preference above all other subjects. Nor indeed my Lord, can I view it as one of necessity, as the interest of the Capital now in hand is equal to three-fifths of the whole of the annual Expenditure, including all contingencies, and the deficiency at the termination of each quarter is regularly made up from the Colonial Treasury.

Your Lordship will perceive by the Memorandum annexed to the Statement, that the assistance afforded these objects by the Colonial Government in 1814 amounted to Rixdollars 1787-4-3, being three times the amount of the interest of Rixdollars 10,000, an assistance much more effectual than a donation of the sum alluded to, and beyond which, if made, further assistance, I conclude, would not be expected, and I cannot be entirely without apprehension also, that an appropriation of 10,000 Rixdollars from the Colonial Treasury to the funds of these Institutions might deter Individuals from making the donations they would otherwise be induced to make from a supposition that they were not requisite.

Under these circumstances, I trust your Lordship will permit me to use my own discretion with regard to the appropriation of so large a sum at once, and I beg to assure your Lordship that I will watch most anxiously every opportunity to promote the objects of these Institutions.

With regard to the second subject in your Lordship's letter, relative to the line of policy which it is your Lordship's desire I should pursue towards the Kaffres on the Frontiers of this Colony, I trust that the view I have taken of that subject will meet your Lordship's concurrence.

When the command of the army here fell upon me (which your Lordship is aware did not take place until the departure of General

Sir J. F. Cradock) the officer in command on the Frontiers (Lieut. Col. Cuyler) applied to me for Instructions as to the general policy to be pursued towards the Kaffres, adding that he had applied to the officer Col. (now Major General) Vicars, whom he relieved on that duty, for Instructions, who informed him that he had received only verbal Instructions on the subject.

I have the honour to enclose a copy (No. 2) of those I gave to Colonel Cuyler, and I shall have much pleasure in learning that they meet your Lordship's wishes or in making any alterations in them you think fit to direct.

I feel infinite satisfaction at receiving your Lordship's permission to reduce the numbers of the Cape Regiment, a measure which will not only considerably relieve the pressure upon the Colonial Treasury, but contribute (if possible) to a still more important object, an increase of hands for agricultural purposes. I conclude that your Lordship contemplates proportionate reduction in the officers, who will of course be placed on the half pay of the British Army.

On the subject of an increase of population I took the liberty of addressing your Lordship on the 26th of November 1813 (No. 1) transmitting a letter from Colonel Graham, in which he proposes that some Highland Families should be conveyed to this Colony. I trust your Lordship will pardon my begging to refer your Lordship to that letter of Col. Graham's, and to hope that his suggestions may be attended to. I have visited nearly every part of the Colony within the circle of 100 miles from this place, and the more I see of it, the more convinced I am of the infinite advantages which would accrue from an increase of population.

The next topic in your Lordship's letter regards the cancelling of a portion of the one million Rixdollars of paper money created by Lord Caledon. On this subject, my Lord, I am free to say that I differ most entirely from the Report of the Finance Committee which sat by Sir J. F. Cradock's direction. I am not however vain enough to imagine, nor should I be willing, that on a subject of this importance your Lordship should be guided, or indeed biassed by my opinion solely, I have therefore called for, and have the honor to transmit herewith to your Lordship, the opinions of those officers of this Government whose experience, and the importance and nature of whose offices, entitle their opinions to every consideration. I cannot more forcibly point out Mr.

Alexander's (the Colonial Secretary) and Mr. Dashwood's (the President of the Lombard Bank & Receiver General) opinions, than by transmitting for your Lordship's perusal Copies of the protests (marked Nos. 3 and 4) which the two last mentioned Gentlemen, being members of the Committee alluded to, felt it their duty to draw up against the Report of that Committee.

I also enclose to your Lordship (No. 5) the Copy of a letter I have received from Mr. Alexander, dated the 17th instant, which will evince to your Lordship that he views the subject precisely in the same light he did when he made his protest.

The opinion drawn up by Lieut. Col. Bird (the Deputy Colonial Secretary) is as able as it is explicit, and cannot fail to be read by your Lordship with considerable interest. Colonel Bird has very justly reminded me that it is only by those principles of economy which guided Lord Caledon's administration, that I should hope to extricate the Colonial Finance from the difficulties in which I found it involved, when the first object for my attention was to provide for a probable deficit of Rds. 211,570.

The enclosure No. 7 will give your Lordship a brief sketch of the state of the Colonial funds at that time. Lieut. Colonel Bird is equally correct in his opinion, that were the measure of destroying any portion of the paper currency adopted, every public work (however important and indispensable) must be abandoned, at the head of which is the road to Simons Town. The large expenditure made at that place by the Naval Department induced me to believe that it was important that the Colonial Government should, by every means in its power, second the exertions of that Department, and in no way could it so effectually do so, or materially lessen the expenses of all supplies for the Navy, as by rendering that place accessible. Other important objects of Expenditure await the assistance of the Colonial Government.

The wharf at this place has been permitted to go so far to decay, that it is problematical whether it will stand another winter, the estimate for its repair is 100,000 Rixdollars, yet a reasonable rate of wharfage will, like the tolls on the road, in time amply repay the advance it is necessary to make to the Town for this purpose.

The public prison requires immediate attention, it being so confined that with all possible care it must be considered to be unwholesome, and reflects upon the National Character to use it

longer than absolutely necessary. An assessment upon the Town and District will gradually also repay the advance which will be required to effect this work.

The great increase of that infectious and dreadful malady Leprosy, calls for an immediate establishment of a Hospital for the infected, and the Districts of Stellenbosch and Swellendam have no fund to look to but the Colonial Treasury for creating this indispensable edifice, the cost of which however they would willingly repay, as the other debts, by instalments with interest.

Under these circumstances I trust your Lordship will spare me from pursuing a system which, in my view, can only tend to embarrass the finances of the Colony.

Lord Caledon (whose every act in the Administration of the Government of this Colony appears to me to have been founded on the wisest policy) created with the concurrence of the Earl of Liverpool this paper money from a conviction that it would promote the interests of the Colony. The same arguments which urged his Lordship to recommend this measure appear to me to apply at the present moment, with equal and indeed increased force.

Your Lordship's instructions relative to Mrs. Swanefelder and to Mr. De Lettre shall be immediately attended to. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Statement of the Funds of the Bible and School Commission:—

	Rds.	Sk.	St.
Subscriptions	36,005	4	2
Expenses paid since the establishment of the Institution	10,228	0	3
Balance	25,777	3	5
Amount advanced to Individuals, now bearing an interest of 6 per cent.	26,166	5	2
Balance in favor of the Treasurer	389	1	3

	Rds.	Sk.	St.
Annual Revenue of the Commission:			
Annual Contributions	1140	0	0
Interest on 26,166 5 2	1570	0	0
 Revenue	2710	0	0
Expenditure:			
The Director of the Schools £105 Sterling.			
Two Schoolmasters £200 ,			
 £305 at 70 per cent. 2592 4 0			
Porter at Rds. 16	192	0	0
School Room	600	0	0
Lodging for one Schoolmaster	300	0	0
Contingent Expenses	1500	0	0
 (Sic) Rds. 4884 4 0			

The other enclosures in this despatch have already been printed.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, January 20th 1815.

MY LORD,—I had the honor to receive your Lordship's letter (No. 11) dated 30th July last, on the 13th instant, in which your Lordship directs me to confer upon Colonel Graham of the Cape Regiment, on his return here, a combined civil and military situation on the Frontiers of this Settlement, which your Lordship informs me was intended for him by my Predecessor Sir J. F. Cradock.

I beg to state to your Lordship that Lieut. Col. Cuyler of the Cape Regiment, being Landdrost to the District of Uitenhage on the confines of the Colony, he performs (and with great ability) without any additional Salary, the duties formerly entrusted to Colonel Graham and subsequently to Colonel (now Major General) Vicars, which officers were remunerated by a Salary of £500 Sterling per annum. I am fully sensible of the merits of Col. Graham's character and services, but as Lieut. Colonel Cuyler has

very ably conducted the duties of Landdrost since the surrender of the Colony, I own to your Lordship that I do not think it would be advantageous to have Lt. Col. Cuyler's civil authority interfered with. I encourage therefore My Lord, a hope, that your Lordship may be induced to point out some other mode for remunerating Colonel Graham's services, should he return to this Colony, as the one now suggested will be entirely an extra and (under the present circumstances) unnecessary burthen on the Colonial Treasury.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from DEPUTY SECRETARY BIRD to the LANDDROST OF SWELLENDAM.

COLONIAL OFFICE, 1st February 1815.

SIR,—I am directed by His Excellency the Governor to transmit to you the enclosed diagram of the land which His Excellency proposes to appropriate to the use of the body of Hottentots who live at the institution of Genadendal. His Excellency desires that you may be pleased to furnish the missionaries with a copy of this diagram, and that you should point out to them the limits therein described. His Excellency directs me to add for your further guidance, that you are to reject all applications from individuals for any of the Government land within the boundary of this diagram. I have etc.

(Signed) C. BIRD.

[Copy.]

Government Advertisement.

The great scarcity of Water in several parts of the Settlement, rendering it impracticable to bring Land into cultivation or use, which is situated where no Springs are known, His Excellency

the Governor has judged it to be adviseable to hold out adequate rewards to such persons as shall discover Springs upon unoccupied or Government ground. His Excellency has been the more convinced of the utility of this measure, from its having come to his knowledge, that the holders of Loan Places, frequently conceal and smother Springs in the vicinity of their tenures, under the mistaken idea, that it would be detrimental to their interests were other Settlers to be established near to them: His Excellency has therefore directed, that the undermentioned rewards shall be paid to such persons as shall discover and make known any Springs situated upon Government ground or accroached places, so that the same be of sufficient strength and goodness to supply Cattle, in the following proportions, during the whole year:

For a Spring, equal to the supply of 200 head of Cattle, Rds. 400.

For a ditto, equal to the supply of 150 ditto, 300 Rds.

For a ditto, equal to the supply of 100 ditto, 200 Rds.

For a ditto, equal to the supply of 50 ditto, 100 Rds.

For a ditto, equal to the supply of 30 ditto, 80 Rds.

It will however be required, that the Springs so discovered, should be of wholesome Water, and situated so that an adequate quantity of Land can be tilled or grazed by the future possessors of them.

The party finding a Spring, is immediately to give notice thereof to the Field Cornet, who, having examined the same, shall report the circumstance to the Landdrost.

The Spring shall be opened at public expence, and its capability having been ascertained and certified during the Summer and Autumn, the Landdrost of the District shall pay the Claimant in the month of June, and be credited the amount of his Disbursements on this head, in his account with Government, upon production of regular receipts and certificates.

Cape of Good Hope, 3rd February 1815.

By Command of His Excellency, the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Copy.]

Letter from DEPUTY SECRETARY BIRD to W. J. KLERCK, ESQRE.

COLONIAL OFFICE, February 6th, 1815.

SIR,—I am directed by his Excellency the Governor to acquaint you, that having appointed you to succeed the late respectable Mr. Brand, it will be necessary that at an early period you should take upon you the duties of collector of tithes, and give the security required by the instructions for the conduct of that office.

His Excellency the Governor has directed me to call your particular attention to the mode of conducting the collection of this important branch of the colonial revenue, his Excellency not being perfectly aware of the check which the collector has upon his sub-collector in the market, and it being apparent that it is highly necessary that the strictest system should be established and narrowly watched, to prevent those irregularities and frauds which might under a lax method be practised to the injury of His Majesty's interest in this branch of income.

There is at present little check in the audit department upon the receipts, to the collection of which you succeed; but his Excellency, in addition to what is now enforced, has directed the president and members of the burgher senate to instruct the director of the market to send to the auditor of accounts a weekly specific account of every thing which passes the market, which weekly return will be some degree of control upon the sub-collector's statement.

It having appeared to his Excellency that much irregularity and some confusion arises from the present system of collecting the transfer dues, part of which is collected in your office, and another part in that of the receiver of land revenue, I am to acquaint you that his Excellency desires, that from the first of the ensuing month both branches of this collection shall be made payable in your office, and brought monthly to account, as other sources of revenue are; but it is his wish that the account of collection of transfer dues shall be kept separately from that of tithes.

His Excellency will forthwith instruct the several landdrosts to transmit to you the amount of their collections, and to forward, at the same time, a copy of the account to the auditor for his guidance in passing the accounts. The head clerk in this office

will be instructed to report monthly to the auditor the number, date, and value of the receipts left in his hands, for the purpose of drawing up deeds of transfer, with the names of the buyers and sellers; and the receiver of land revenue will also be directed to furnish to the same officer a monthly report of such loan places as shall have been transferred (*overgeschreeven*), in order that by the comparison thereof with your account any error which may have crept in may be rectified.

In addition to these regulations which his Excellency desires to establish for the regularity and correctness of the very essential interests which you are appointed to watch over, his Excellency will be very glad to be favoured with any suggestion which may occur to you for the better management of the duties of your department. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from LORD MOIRA to LORD CHARLES SOMERSET.

CAMP PULWUL, February 9th 1815.

MY LORD,—Your Lordship will have learned through the ordinary channels of intelligence the occurrence of a war between the East India Company and the State of Nepaul, and the untoward events which have attended the early operations of our arms. These events, and the increasing confidence and means of the Enemy, while they place at a greater distance the prospect of obtaining terms of peace compatible with the honor and interests of the British Government, render it necessary for me to be prepared to direct against the Enemy in the ensuing Campaign the largest and most efficient Force it may be practicable to assemble.

2. Nearly the whole disposable Force of this Presidency is already employed in the service in question. Exclusively however of this demand for Troops, it is absolutely necessary to provide against the probable designs of the Military and Predatory Powers of India, who would not fail to take advantage of the employment of our Forces in the Gorkah War to attack us, if we were not to assume such an attitude as should deter them from the attempt.

3. To effect this object it has become my duty, not only to

assemble on the Frontier of these Provinces all the available portion of the Army of Bengal, to which I have found it necessary to make a considerable augmentation, but to direct the disposable Force of the other Presidencies to be assembled in advanced positions in the Deccan and Guzerat, where their presence may restrain those powers who otherwise might seek to take advantage of the occupation of our Troops in other quarters.

4. It will be obvious to your Lordship that these arrangements, which a regard for the security of the important interests committed to my charge will not suffer me to relax, must necessarily circumscribe my means of increasing the Force to be employed in the Gorkah war.

5. The force to be employed in that service moreover should in my judgment be composed in as large a portion as is practicable of European Troops, who are from their moral and physical qualities better adapted than the natives of India for the Country and the species of warfare in which they will be engaged, if the war is protracted.

6. On these grounds I have the honor to convey to your Lordship my solicitation that you will aid the exigencies of this Government from the resources of the Colony under your Government and command, by sending to India, with the least practicable delay, the largest reinforcements of European Infantry which circumstances will admit of your sparing.

7. I am encouraged to hope that the restoration of Peace in Europe will enable your Lordship to comply with this request without material inconvenience, and I am persuaded that His Majesty's Ministers, whom I shall address on the subject without delay, will take early measures for replacing the Corps which you may deem it proper to detach to this Country.

8. Should your Lordship be pleased to comply with this application I request that the troops may be sent directly to Bengal, provided the season will admit of it.

9. I would beg leave to submit to your Lordship the expediency of selecting those Corps which are most efficient in point of numbers, and which have served for the longest period in the Colony, as being likely from the latter circumstances to be more immediately fit for active service in India.

10. I trust that the means of transporting the troops will be found in the Colony.

11. With a view to facilitate the arrangements which your Lordship may be pleased to adopt in a case which though deeply affecting the national prosperity, may be deemed more immediately to involve the interests of the East India Company, I have addressed the Honorable Company's Agent at the Cape of Good Hope, requesting him to co-operate, as far as his official situation will afford him the means, in those measures which your Lordship may adopt, and to make such pecuniary arrangements on the part of the Honorable Company as may be found necessary for the effectual promotion of the service in view.

12. I cannot close this dispatch without expressing my earnest hope and my entire confidence, that your Lordship will make every practicable effort to comply with the application which I have had the honor to address to you in the most prompt and effectual manner. I have &c.

(Signed) MOIRA.

[Copy.]

Government Advertisement.

His Excellency the Governor, taking into consideration the additional trouble which devolves upon the Field-Cornets, in consequence of the Proclamation of the 23rd December last, in preventing unlicensed Persons from shooting in their respective divisions, has been pleased to direct that the several Field-Cornets shall be allowed to shoot during the regular Seasons without Licence.

Cape of Good Hope, 17 February 1815.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 24th February 1815.

MY LORD,—I have the honour to inform your Lordship that the bearer of this letter, Lieutenant Colonel F. Von Bouchenroder, an

officer in the service of H.R.H. The Prince of Orange, has my permission to proceed to the Cape of Good Hope, and I beg leave to introduce him to your Lordship's favorable notice and protection.

I have etc.

(Signed) BATHURST.

[Copy.]

Letter from MR. J. B. HOFFMAN to CHARLES BLAIR, ESQRE.

CAPE Town, February 27, 1815.

SIR,—Having understood that a number of negroes have arrived in Simon's Bay, who likely will be apprenticed to the inhabitants, I beg to solicit you would be pleased to apprentice four of them to me, provided I do manumit one of my slave girls as a mark of my gratitude, and which I perceive would be answering the view of the British Government. I have &c.

(Signed) J. B. HOFFMAN.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 28th February 1815.

MY LORD,—Your Despatch under date the 1st of August last, enclosing the Proceedings in the Case of Johannes Van Tonderen, under Sentence of Death at the Cape of Good Hope for the murder of a Female Hottentot, having been submitted to His Royal Highness The Prince Regent by the Secretary of State for the Home Department, I herewith transmit to your Lordship the Pardon which His Royal Highness has been graciously pleased to grant to him; but it is expressly to be understood that the Pardon is not granted upon the Ground that the Conviction of Murder was not warranted from the Evidence produced, but in consideration that the Prisoner was not actuated by malice against the deceased, and that he did not intend her death. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from THOMAS COURtenay, ESQRE., to
HENRY GOULBURN, ESQRE.*

WHITEHALL, 28th February 1815.

SIR,—I have received from certain persons connected with the Cape of Good Hope a representation on the subject of the intended additional duties on Wine, to which I take the liberty of requesting that you will call Earl Bathurst's attention.

I can add little to the reasons therein stated in proof of the inexpediency of increasing, at the present moment, the price at which Wines the produce of the Cape can be brought into consumption in this Country.

It would seem that the same grounds on which His Majesty's Government was induced in 1813 to recommend to Parliament the reduction of the duties on Cape Wine to an amount of not more than one third of that to which the Wines of Portugal and Spain were liable, would operate against destroying that proportion at so early a period of its establishment.

Under the encouragement given by this measure, the importation of Cape Wines in some degree increased, but it is entering very slowly into the consumption of this country, and is liable to be affected by the smallest discouragement. The whole import is so inconsiderable, that the revenue realized, even on the supposition of the quantity remaining the same, will be scarcely worthy of financial consideration. On the other hand the experience of the last year gives reason to hope that if the encouragement recently extended to the growth of Cape Wine be not withdrawn, Cape Wine may in the course of years become a productive subject of taxation. It is not only with the view of rendering Cape Wine as now imported more popular in this Country, but with that of improving the quality by this application of English Capital and of the skill of persons accustomed to the preparation of Wines, that the desired encouragement is sought. For want of that assistance, the country, which is confessedly calculated for the production of Wines of the superior kinds, has hitherto furnished nothing but a sort so inferior as to compete only with the lowest description of European Wines.

This statement will be confirmed to Lord Bathurst by the late

Governor Sir John Cradock, whose attention to this subject is well known to His Lordship, and whose opinion upon it is so strong as to have induced him voluntarily to communicate with me upon the necessity of the present solicitation. I have &c.

(Signed) THOS. P. COURTENAY,
Colonial Agent for the Cape of Good Hope.

[Enclosure in the above.]

A Resolution having passed in the House of Commons for imposing an additional duty of £29 18s. 6d. per tun on French wines and of £19 19s. on all other foreign wines; and no exemption appearing in favor of the wines of the Cape of Good Hope, the following observations are submitted to your consideration, in the hope that thro' your kind and zealous representation His Majesty's Ministers may be induced to forego an impost which, it is conceived, can add so little as an object of present revenue, but on the contrary if persevered in must inevitably destroy in its infancy a trade which at a future period, if now duly encouraged, may become an object of high national importance.

That the possession of the Settlement of the Cape of Good Hope has opened to this Country a valuable and extensive market for its various manufactures.

That both from the increased population and their introduction into the more distant parts of the Colony, and even into the interior of Africa, the consumption of British manufactures has been progressively augmented.

That the Colony, tho' possessing in itself every capability, has hitherto been almost destitute of any products whereby returns could be made for its imports, which has been chiefly done in Government Bills.

That in the event of the Military and Naval Establishments there being diminished in consequence of peace, the means of making returns in this way will be proportionably decreased.

That the increase of this difficulty, so embarrassing to trade, is manifested by the constant advance in the Exchange.

That it is therefore in this point of view absolutely expedient that every possible measure that can tend to remove this impedi-

ment should be adopted, or this important trade must sink under the difficulties it will have to contend with.

That the article of Wine, the growth of which appears peculiarly adapted to the Colony, has first presented itself as an object most likely to contribute to the relief so much wanted.

That the Cape of Good Hope is the only Colony in the possession of this Country calculated to produce this valuable and extensive article of commerce.

That as such it appears entitled to expect not only a preference over the same produce of other Countries, but every encouragement it may stand in need of.

That the capability of the Colony is such as to justify an opinion that under due encouragement it will at a future period vie with any other Country both in the quantity and quality of its Wines.

That in the mean time, however, the Cape Wines have so much to contend with in the habits and prejudices of the consumers, and labor under so many present disadvantages when compared with the Wines of other Countries, that this desirable end cannot be accomplished without very especial protection to the trade now only in its first infancy.

That whatever improvements may be hereafter effected in the quality of these Wines, it is undoubted that their present consumption (limited as it is) is entirely attributable to the comparative low rate at which they may be obtained, and it is reasonably apprehended that the present demand for them may be fatally interfered with by adding an increase of price to the disadvantages under which they unquestionably labor in competing with the established preference for other Wines.

That it is to be observed that the contemplated additional impost amounts to little more than 20 per cent on the present rate of duty on Spanish and Portuguese Wines, while it is about 65 per cent on that upon Cape Wine, that so far from the latter being in a state to bear this unexpected and enormous advance, it in fact really requires yet further encouragement.

That since the period when the reduction in the Cape Wine duty took place, the cost there (as must naturally have been calculated upon from the limited supply and increasing demand) has been very greatly augmented, and is now so high that, with the expenses of transport hither, the importer can with difficulty meet the reduced rates at which Sicilian Wines (by many esteemed

superior to the other) can be purchased, with duty paid in this market; and at the same time that this increase of price has taken place in the Colony, the Wines of Spain and Portugal are so materially lower than they were at the period above adverted to, that the comparative advantage which the former then enjoyed is considerably diminished, and they are consequently less able to sustain any additional duty, having in point of fact experienced a greater proportionate reduction of price in this market than the European Wines.

That altho' the actual cost of Wines at the Cape may be deemed very high, yet while we are enabled to bring them to this market there is no prospect of important diminution in this respect until the quantity manufactured is greatly augmented, to accomplish which, it is *desirable* that a price, *operating as a premium* upon the cultivation of the grape *should be paid*; and it is unquestionable that any falling off in the demand from hence, and consequent reduction of price in the Settlement, would have the immediate effect of arresting the progress of those who have already commenced new Vineyards, and of preventing others who may contemplate similar undertakings from entering upon them, and ultimately of defeating the expectations that may have been entertained of rendering the Cape of Good Hope a valuable Wine Colony.

In a Financial point of view it is conceived that from the limited extent of imports of Wine from the Cape, any addition to the actual impost upon it cannot now be an important object to the Revenue, whatever it may hereafter become, altho' it may and will operate very decidedly to the prejudice if not to the total ruin of a trade *so entirely in its infancy*, and to the injury of those who have embarked in it, encouraged thereto by the belief that the protection of Government would be in an especial manner continued and even extended towards it, as being our only Wine Colony and not an inconsiderable market for the produce and manufactures of this Country.

LONDON, 25th February 1815.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 1st March 1815.

MY LORD,—I have the honour to inform Your Lordship, that a squadron of four French frigates commanded by Commodore Jurien anchored at this place on the 10th of February, having on board General Bouvet and suite with troops proceeding to take possession of the Isle of Bourbon, in the name of His most Christian Majesty, of which Island General Bouvet is appointed Governor.

The squadron continued here until the 25th of February. General Bouvet did me the honour to remain at my house during his stay at the Cape, and I am happy to assure Your Lordship that the utmost harmony prevailed during the whole period between the French of all descriptions, and the British Troops, as well as the Colonists.

I had the gratification to receive the strongest assurances from General Bouvet on his departure that he and all with him were highly satisfied with my endeavours to shew them attention, which I trust may contribute to obtain a favourable feeling towards the British settlers in Bourbon. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from MR. J. B. HOFFMAN to DEPUTY SECRETARY BIRD.

CAPE Town, 6th March 1815.

SIR,—Perceiving that if the children of the female sex procreated by the Slaves in this Settlement were henceforth successively made free, and the future generation of Slaves thereby discontinued, the Slavery here will disappear one day, I have written to Charles Blair, Esq., Collector of Customs, requesting him to apprentice to me four of the Negroes lately arrived, (should they be condemned as lawful prize to the captors) on

my manumitting one of my Slave girls, as a mark of my gratitude.

I hope other inhabitants will do the same; at least I will gladly manumit four others of my Slave children, all females, if Mr. Blair would apprentice to me three of the said or other Negroes for each of them.

I thought it my duty to acquaint you of my intention, and to solicit your favour of communicating it to His Excellency Lord Charles H. Somerset, as I am confident that the liberty I have taken will be beneficial to this Settlement. I have, &c.

(Signed) J. B. HOFFMAN.

[Copy.]

Letter from DEPUTY SECRETARY BIRD to MR. J. B. HOFFMAN.

COLONIAL OFFICE, March 7th 1815.

SIR,—I had the honour of laying the letter you did me the favour to address to me yesterday, before His Excellency the Governor, and have received His Excellency's command to acquaint you, that the subject to which it relates is in no way under his control, but is placed by law under the direction of the Collector of His Majesty's Customs. I have, &c.

(Signed) C. BIRD.

[Original.]

Letter from the REVEREND C. I. LATROBE to EARL BATHURST.

NEVIL'S COURT, FETTER LANE, March 9th 1815.

MY LORD,—Permit me in the name of the Missionaries of the Unitas Fratum, or United Brethren, at the Cape of Good Hope, to fly to Your Lordship for protection in circumstances which endanger the very existence of those missions, which to Your Lordship, as well as all His Majesty's Governors of that Colony, have hitherto appeared as beneficial to its interests, by promoting the gradual civilization of the native Hottentots.

In the year 1813 I had the honour of laying before Your Lordship the case of the Missionaries of our Church at Groene Kloof, where a settlement was formed by the express desire of His Excellency the Earl of Caledon. It was not till after repeated kind messages and promises of encouragement, that the missionaries ventured upon it; their responsibilities and knowledge of the additional expense and difficulty of supplying more assistants and more means making them hesitate for some time.

Yet in obedience to the wishes of a Government so benevolent as the British, which has, in all parts of its dominions, sanctioned and protected our missions, they accepted the offer, and it has pleased God to bless the undertaking.

Since the year 1808 a congregation of nearly three hundred Hottentots has been collected, some of whom have come from a great distance and thus increased the population of the Colony. They are all gradually improving in civilization, and, besides being taught to believe the Gospel, they are instructed by the missionaries in useful arts, as much as circumstances will permit.

But it soon appeared that the possession of Groene Kloof by the missionaries gave umbrage to some neighbours, and they were frequently under the necessity of claiming the protection of their noble benefactor. He left the Cape before they were furnished with such security as was necessary to screen them from all molestation.

His successor, General Sir John Cradock, in the beginning felt some hesitation respecting Groene Kloof, which caused him to decline their request for permission to build a chapel, now become necessary by the continual increase of their congregation.. But after visiting both Groene Kloof and Gnadenenthal in Bavian's Kloof, His Excellency approved himself the warm friend and protector of these Establishments, and recommended an application to the Government at home for an order to secure to the Mission permanency and the free exercise of those rights which had already been so generously conceded, in conducting their missionary labours upon that plan, which upwards of 80 years experience had proved to be most effective in civilizing heathen nations.

The encouragement thus given was the occasion of my addressing Your Lordship on November 4th 1813, to which Your Lordship condescended to return an answer on December 23rd so

Dear Sirs - The last sentence in the sentence in Your
Letter - make all that you can do now to remove
any such a will as you have it is better a thousand
times I think that you will do better than a letter
saying that you have done nothing or that you should
do nothing as that would be a great mistake in the name
of the Legislature. The Legislature would be negligent if every
important measure that ever went in their consideration to those
measures was wholly attributed to the president & the Legislature
as *Irreconcileable*

It is the great commandment of our Saviour and his servants to know that God has given us talents to witness justice and

humanity we may confidently appeal, and I have only humbly to entreat your Lordship's pardon for so long a letter, the subject of which I have not been able to bring into a shorter compass.

Should any doubt remain upon Your Lordship's mind respecting the object of this appeal, I have Sir John Cradock's permission to add, that he will be ready to give to Your Lordship any information required, and to bear his testimony to what is herein stated.

Trusting to your Lordship's forgiveness and kind attention to the case now humbly laid before you, I remain &c.

(Signed) CHRISTN. IGNATS. LATROBE,
Secretary of the Church known by the name of
Unitas Fratrum.

[Enclosure 1 in the above.]

*Letter from the MORAVIAN MISSIONARIES to the FISCAL
VAN RYNEVELD.*

GENADENDAL, 18th February 1808.

SIR,—We have the honor to acknowledge the receipt of your letter of the 10th Inst.

We are very sensible of all the kindness shewn us by Government, we flatter ourselves that you will excuse our troubling you once more with this letter.

We beg you may inform us when the farmer of the Groene Kloof will leave it, our Brothers Kohrhamer and Schmit not wishing to set off for that place before his departure from thence.

We further beg to submit the following points to the consideration of Government.

In the first place we beg from Government the free exercise of the rights of our church and to be protected therein as till hitherto in Genadendal.

By this free exercise we understand that we may baptize and administer the Sacraments to our congregation.

In the second place that we may exercise our church discipline according to the word of God, the good effect of which the Moravian Brethren have so well experienced since 350 years.

The church discipline chiefly consists herein that we according

to the Scripture may expel from our Congregation such who, notwithstanding all serious and amiable remonstrances, still are guilty of the same sin. We only wishing to have such members who live for Jesus Christ and walk in His way.

They who are not animated with these sentiments we cannot possibly admit.

In the third place, we further beg to be free from providing of quarters whereto we have for several years been obliged here when a great number of wives and children of the Hottentots' Corps was sent to us, who did so much mischief to our Institution that the bad consequences are not yet entirely done away.

In the fourth place, we beg that our direction may have the liberty to remove us from one place to the other or cause us entirely to remove should they think proper so to do.

In the fifth place we finally beg that if our direction should find proper to add anything to this, it may be approved of.

We have etc.

The Missionaries of the Evangelical Missionary Society
in Genadendal and in their name.

(Signed) R. A. KUSTER.

[Enclosure 2 in the above.]

*Letter from ACTING SECRETARY BIRD to the MORAVIAN
MISSIONARIES at Genadendal.*

SECRETARY'S OFFICE, March 23rd 1808.

GENTLEMEN,—Mr. Van Ryneveld having laid before His Excellency the Governor and Commander in Chief your letter of the 18th Ultimo, I have received His Excellency's commands to acquaint you in reply thereto, that the farmer of the Groene Kloof has received instructions to deliver up the buildings at that place to the members of your Institution as soon as they arrive there; it is His Excellency the Governor's intention that the members of the Institution shall be put in possession of the farm and lands of the Groene Kloof, Cruywagens kraal & Louw's Kloof, for the use of their congregation, exactly upon the same tenure by which they possess the lands of Genadendal. The spot, the occupancy of which is thus permitted to the Hottentots'

establishment, has been selected for its peculiar fertility and because cattle may be kept there in sufficient numbers for a very considerable establishment the whole year. The Inspector of Government lands has been directed to take the earliest steps for marking the boundaries of the place in question, in order that all cause of dispute with the neighbourhood may be obviated. The missionaries may rest assured of the same protection from His Majesty's Government which they have hitherto invariably received at Genadendal, in making this assurance it becomes unnecessary to enter into more minute particulars,—especially as a part of the propositions submitted to His Excellency in your letter to Mr. Ryneveld are not explicitly defined, and the two last heads appear to depend upon contingencies which His Majesty's Government has not the power to control.

The rights of your religious worship have been hitherto protected, and by removal of part of your Establishment from Baviaans Kloof that protection will not be in any degree diminished.

Should any Hottentot woman join the establishment, whose conduct, after due admonition, is such as to warrant a measure of such severity, His Excellency will permit the Brethren to take the step of expelling them.

His Excellency trusts that you will be thus satisfied that it is the intention of His Majesty's Government to lend every proper aid to the meritorious object you have in view of enlightening this unfortunate people and instructing them in the principles of the Christian religion, and of securing their permanent welfare by encouraging them in habits of industry and virtue. I have etc.

(Signed) C. BIRD, Acting Sec.

The other enclosures in this letter have already been printed.

[Original.]

*Letter from the REVEREND C. I. LATROBE to
HENRY GOULBURN, ESQRE.*

NEVIL'S COURT, FETTER LANE, March 9th 1815.

SIR,—I take the liberty to trouble you with the enclosed, being an appeal to the Government at home in behalf of the Missions

of the United Brethren (commonly called Moravian) rendered necessary by circumstances, as the enclosed will show. Lord Gambier having advised me to speak with you on the subject, I take the liberty of sending the letter I have written to Lord Bathurst to you, with Colonel Bird's letter and my remarks to it, and beg you, when convenient, to lay them before his Lordship. If you have time to peruse them, I doubt not but that, according to your wonted goodness, you will favour them with your kind attention, and remain ever &c.

(Signed) CHR. IGN. LATROBE.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 10th March 1815.

MY LORD,—It has been intimated to me that your Lordship had expressed an intention of drawing your Salary as Civil Governor of the Cape of Good Hope from the date of the Commission under which you hold that appointment. As I conceive that your Lordship may have done so under an erroneous impression of the Rules which regulate the date of payment to Colonial Officers, I take the earliest opportunity of acquainting you, that no payment of Salary can be authorized for any period previous to the date of your actual Assumption of the Government. Should therefore your Lordship have had in contemplation any such measure as that to which I have adverted, I am sure that I need use no other argument to induce you to abandon it, beyond that of merely calling your attention to the impropriety of imposing upon the Colony the burthen of paying two Civil Governors for the same period. I have &c.

(Signed) BATHURST.

[Copy.]

Government Advertisement.

Notice is hereby given that in consequence of the Farmers of the Salt Pans not having supplied this Town with a sufficient

quantity of Salt, all Persons are allowed to bring Salt into Cape Town until further orders, duty free, and without paying any compensation to the Farmers of the Pans; and to sell the same either in large or small proportions, as may suit their convenience.

Cape of Good Hope, 10th March, 1815.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's letter (No. 18) dated 10th November 1814, with enclosures, being copies of a letter addressed by Lord Caledon to Your Lordship, dated 24th October 1814, and one by Lord Liverpool to Sir J. F. Cradock dated 3rd April 1812 relative to Mr. Crozier, the Cashier of the Lombard Bank here, and am extremely happy to receive your Lordship's instructions to place Mr. Crozier upon a salary more suited to the very important and laborious office which he holds. I have fixed Mr. Crozier's salary (subject to your Lordship's approval) at three thousand rixdollars per annum, which I even now consider as extremely scanty for an office of such great trust, but I have not increased it beyond that sum in consequence of the very low rate at which all the Colonial Servants are paid, of which Your Lordship will be perhaps enabled to judge by a reference to my dispatch No. 16 of this date, in which the salaries are enumerated, and when I inform your Lordship that the increase in price of all the necessaries of life has been so great lately, as to render the expense of living nearly double what it was when the amount of them was fixed.

I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—Together with the accounts of the Receiver General for the months of April, May, June, July, August, September, October, November, and December 1814, I have the honor to transmit the several Proclamations and Government Advertisements issued from the 17th of June last until the present date.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's Letter (No. 13) of the 18th September 1814, with enclosures from Mr. Harrison, and to assure Your Lordship that every assistance and facility shall be given to Messrs. Allen Cunningham and James Bouvie during their residence in this Colony, to enable them to prosecute with success the undertaking in which they are engaged. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's letter (No. 15) dated November 3rd 1814, covering

an Order in Council of the 24th September last for regulating the Trade and commerce to and from this Colony.

Whilst, My Lord, I acknowledge most readily the great advantages and facilities which this Order gives to the Trade of this place, I cannot but lament that Neutrals are so far excluded by it as to hold out no inducement to them to bring Specie here; I trust however that the permitting Neutrals to trade here for India produce may yet become a subject of consideration with His Majesty's Government. The advantages that would result from that measure to this place are incalculable, and I should hope that it might be considered of more than equal benefit to Great Britain by conduced, more powerfully than any other measure, to prevent (by rendering unnecessary) the resort of Foreigners to India. The Merchants of both the Americas (when peace shall be restored), the Portuguese, Spanish, and those of other European States having settlements on the other side of the Atlantic, would exclusively come to this place for India produce, and would cheerfully allow an ample profit to the trade here upon their Eastern Imports, in order to save the protracted and often dangerous voyage to India.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's Letter (No. 15) dated October 10th 1814, and in obedience to Your Lordship's Instructions have the honour to transmit to you a return of the Establishment of this Colony.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in above.]

Civil Establishment at the Cape of Good Hope.

11th March 1815.

OFFICES.	NAMES of OFFICERS.	SALARY.			
		British Estabt.	Cape Estabt.		
		£.	s.	R.	sts.
Governor	{ L ^t Gen ^l Lord Charles Somerset }	10,000	0		
Lieutenant Governor . .	{ L ^t Gen ^l the Hon ^{ble} Meade }	3,000	0		
Commd ^e of Simons Town	Major General Baird .	182	10		
Aid-de-Camp to Governor	.. ..	182	10		
Private Sec ^r to Governor.	L ^t Colonel Bird. . . .	500	0		
Judge of Admiralty Court	G. Kekewich, Esq.. . .	600	0		
Colonial Paymaster . . .	Tho ^s Sheridan, Esq. . .	1,000	0		
Colonial Secretary * . . .	Henry Alexander, Esq. . .	3,500	0		
Deputy D ^o	C. Bird, Esq.	1,500	0		
Assistant D ^o	H. P. Auret . . . . .	..		3,000	0
Sworn Translator	C. D'Escury . . . . .	..		1,400	0
Head Clerk	J. van de Graaff . . . .	..		1,000	0
2nd D ^o	C. Allen. . . . .	..		900	0
3rd D ^o	S. V. Cloete. . . . .	..		900	0
4th D ^o	J. W. van der Riet. . . .	..		700	0
5th D ^o	P. G. Brink. . . . .	..		700	0
6th D ^o	S. G. Brink. . . . .	..		700	0
7th D ^o	G. W. C. Bergh . . . .	..		700	0
8th D ^o	O. J. Truter . . . . .	..		500	0
9th D ^o	G. D. Baumgardt . . . .	..		500	0
Messenger †	J. Tier . . . . .	..		500	0
Messenger	A. Jonker . . . . .	..		500	0
Bookbinder	B. de Roos . . . . .	..		600	0
Auditor General	W. Bentinck, Esq. . . .	1,050	0		
Clerk	A. Lehman . . . . .	..		800	0
<hr/>					
<i>Fiscal's Office:</i>					
The Fiscal.	D. Denyssen, Esq. . . .	..		10,000	0
Deputy D ^o	P. B. Borchards, Esq. . .	..		3,000	0
1st Clerk	P. Auret . . . . .	..		1,100	0
2nd D ^o	Fischer . . . . .	..		700	0
3rd D ^o	W. J. Smuts . . . . .	..		650	0
4th D ^o	J. F. Wildhagen . . . .	..		650	0
First Under Sheriff . . .	J. C. Schultz . . . . .	..		840	0
2nd D ^o . . . . .		..		600	0

* 2000 Rds. for House Rent.

† 400 Rds. for House Rent.

OFFICES.	NAMES of OFFICERS.	SALARY.			
		British Estab ^t .	Cape Estab ^t .		
		£.	s.	R.	sts.
3rd Under Sheriff . . .	R. van der Schyff . . .	..		580	0
Jailor	S. J. de Groot . . .	..		400	0
13 Constables . . . .	.. ..	..		3,900	0
24 Caffres . . . .	.. ..	..		1,888	0
—					
Resident, Simons Town .	J. H. Brand, Esq. . .	..		3,000	0
Clerk	C. M. Lind . . . .	..		600	0
—					
<i>Court of Justice:</i>					
Chief Justice	J. A. Truter, Esq. . .	..		6,000	0
1st Member	C. Matthiessen, Esq. .	..		3,250	0
2nd D°	F. R. Bresler, Esq.. .	..		3,250	0
3rd D°	W. Hiddingh, Esq. .	..		3,250	0
5th D°	D. F. Berrange, Esq. .	..		3,250	0
6th D°	W. D. Jennings, Esq. .	..		3,250	0
7th D°	W. Bentinck, Esq. . .	..		3,250	0
8th D°	J. H. Neethling, Esq. .	..		3,250	0
Secretary	G. B. van Blokland, Esq.	..		6,000	0
Assistant D°	H. Cloete, Esq.. . .	..		3,000	0
English Assistant. .	H. Murphy, Esq. . .	..		3,000	0
Physician	Dr. Biccard . . . .	..		600	0
Head Clerk	C. A. W. de Man . . .	..		1,600	0
Clerk	A. G. Muller . . . .	..		700	0
—	J. le Sueur . . . .	..		700	0
—	J. T. Jürgens . . . .	..		550	0
—	J. de Wet . . . .	..		550	0
—	R. J. P. van der Riet .	..		500	0
—	C. Brand . . . .	..		250	0
— . . . . .		..		200	0
Messenger	C. E. Ziervogel . . .	..		750	0
—	A. Felix . . . .	..		750	0
—	J. Jacobsen . . . .	..		750	0
Deputy	H. Scheffer . . . .	..		250	0
—					
<i>Orphan Chamber:</i>					
President	J. A. Truter, Esq. . .	..		4,000	0
Vice D°	D. de Waal, Esq. . .	..		1,500	0
1st Member	A. V. Bergh, Esq. . .	..		1,000	0
2nd D°	A. J. van Breda, Esq. .	..		1,000	0
3rd D°	G. E. Overbeek, Esq. .	..		1,000	0
4th D°	{ T. O. de Bruyn van Tromp, Esq ^r . . }	..		1,000	0

OFFICES.	NAMES of OFFICERS.	SALARY.		
		British Estabt.	Cape Estabt.	
		£.	s.	R. Sts.
Secretary	J. P. Faure, Esq. . . . .	..		5,500 0
Bookkeeper	G. A. Watermeyer . . . . .	..		3,000 0
Chief Clerk	P. E. Faure. . . . .	..		1,000 0
2nd D°	P. J. Poggenpoel . . . . .	..		650 0
3rd D°	J. Serrurier . . . . .	..		650 0
4th D°	J. J. Maynier . . . . .	..		600 0
5th D°	K. N. van Breda . . . . .	..		600 0
Messenger	Rorich . . . . .	..		1,500 0
<hr/>				
<i>Lombard Bank:</i>				
President	— Locke, Esq. . . . .	..		6,000 0
1st Member	A. V. Bergh, Esq. . . . .	..		1,600 0
2nd D°	C. Nelson, Esq. . . . .	..		1,600 0
3rd D°	J. W. Stoll, Esq. . . . .	..		1,600 0
Bookkeeper	H. C. D. Maynier . . . . .	..		2,100 0
Cashier	V. A. Schonberg . . . . .	..		1,500 0
Clerk	H. J. H. Azerond . . . . .	..		600 0
<hr/>				
<i>Discount Bank:</i>				
Cashier	R. Crozier . . . . .	..		1,500 0
Accountant	V. A. Schonberg . . . . .	..		900 0
Assistant D°	J. Gie . . . . .	..		800 0
Clerk	S. V. van Reenen . . . . .	..		600 0
Messenger	C. Meyer . . . . .	..		480 0
<hr/>				
<i>Chamber of Insolvent Estates:</i>				
President	E. Bergh, Esq. . . . .	..		3,000 0
Member	J. F. Serrurier, Esq. . . . .	..		2,250 0
D°	C. Nelson, Esq. . . . .	..		2,250 0
Secretary	R. J. van der Riet, Esq. . . . .	..		4,000 0
Chief Clerk	J. A. H. Falck . . . . .	..		1,100 0
2nd D°	N. Orri . . . . .	..		750 0
3rd D°	W. F. Bergh . . . . .	..		750 0
Messenger	M. Blore . . . . .	..		1,000 0
<hr/>				
Receiver General	F. Dashwood, Esq. . . . .	..		3,000 0
Deputy D°	Mr. E. Eckard . . . . .	..		700 0
Clerk . . . . .	.. ..	..		485 0

OFFICES.	NAMES of OFFICERS.	SALARY.			
		British Estab ^t .	Cape Estab ^t .		
		£.	s.	R.	Sts.
Collector of Tythes . . .	W. J. Klerck, Esq. .	..		2,000	0
Clerk	Mr. O. J. J. Henning .	..		600	0
Collecting Officer . . .	Mr. J. H. Neethling .	..		300	0
Receiver of Land Revenue	J. J. L. Smuts, Esq. .	..		2,700	0
Deputy D ^o	H. J. W. Maynier .	..		1,000	0
Clerk	P. Roos . . . . .	..		600	0
Messenger . . . . .	.. ..	..		240	0
Post Master	M. Gall, Esq.	500	0		
Clerk	M. Onkruydt . . . . .	..		900	0
Post Mistress at Simons Town	Mrs. Alcock . . . . .	..		500	0
D ^o at Stellenbosch . . .	Mrs. Caldwell . . . . .	..		500	0
Messenger	P. Roms . . . . .	..		360	0
<i>Printing Department:</i>					
Director	G. Ross . . . . .	..		1,200	0
Bookkeeper	J. W. van der Riet. .	..		500	0
Printer	A. Richert . . . . .	..		1,200	0
Compositor	J. Richert . . . . .	..		840	0
D ^o	J. A. Richert . . . . .	..		720	0
D ^o	B. van der Sande . .	..		600	0
Apprentice	J. Richert, jun.. .	..		144	0
D ^o	Schoonberg . . . . .	..		144	0
Messenger	J. Hicken . . . . .	..		240	0
<i>Port Office:</i>					
Captain of the Port . . .	C. Blair, Esq.	500	0		
Deputy D ^o	W. Bridekirk . . . . .	..		1,260	0
Coxwain . . . . .	.. ..	..		300	0
2 Europeans, at	240 Rds. each . . . .	..		480	0
8 Lascars, at	17 . . . . .	..		1,632	0
Harbour Master at Simons Town	L ^t Gardner, R. N. .	..		2,000	0
Coxwain . . . . .	.. ..	..		360	0
6 Lascars, at	20 Rds per Month each	..		1,440	0

OFFICES.	NAMES of OFFICERS.	SALARY.		R. Sts.
		British Estab ^t .	Cape Estab ^t .	
<i>Custom House:</i>				
Collector of Customs . . .	C. Blair, Esq. . . .	1,000	0	
Comptroller	W. W. Bird, Esq. . . .	1,000	0	
Searcher	E. Maude, Esq. . . .	700	0	
Chief Clerk . . . . .	.. ..	..		1,200 0
2nd D°	J. Day . . . . .	..		900 0
Comptroller's Clerk . . .	J. Aspelung . . . . .	..		900 0
Assistant D°	— Scholtz . . . . .	..		600 0
Searcher	— Truter . . . . .	..		900 0
Tide Surveyor	W. Bridekirk . . . .	..		240 0
6 Tide Waiters, at . . .	{ 540 Rds. each per }	..		3,240 0
Warehouse Keeper . . .	{ Annum}	..		
Messenger	T. Ord . . . . .	..		1,800 0
Collector at Simons Town	P. J. Truter, Esq. . .	700	0	360 0
Inspector of Lands and Woods	C. D'Escury, Esq. . . .	..		2,000 0
Overseer of Timber Store.	Mr. Oliver . . . . .	..		360 0
Allow ^{ce} for Travelling Expenses . . . . .	.. ..	..		1,000 0
Wine Taster	W. Caldwell, Esq. . . .	..		3,000 0
Deputy D°.	Mr. E. O'Brien . . . .	..		1,500 0
<i>Slave Lodge:</i>				
Director of the Slave Lodge	C. G. Hohne, Esq. . . .	..		288 0
Surgeon	J. Leeson, Esq.. . . .	..		840 0
Schoolmaster . . . . .	.. ..	..		192 0
Porter	N. C. Combrink . . . .	..		144 0
Overseer	A. Nederland . . . . .	..		144 0
—	J. M. Berthold . . . .	..		144 0
—	J. G. Langhoff . . . .	..		144 0
<i>Court of Appeals:</i>				
Assessor	H. Alexander, Esq. . . .	300	0	
D°	G. Kekewich	300	0	
Secretary	T. Rowles, Esq. . . .	480	0	

OFFICES.	NAMES of OFFICERS.	SALARY.	
		British Estab ^t .	Cape Estab ^t .
Translator . . . . .	..	£. s.	R. Sts.
Messenger	C. Velbron . . . . .	..	750 0
<hr/>			
<i>Medical Committee:</i>			
President	W. Hussey, Esq., M. D.	150 0	
Member	{ L. G. Biccard, Esq., } M. D.	100 0	
Secretary	Mr. J. K. Deane . . . . .	..	500 0
<hr/>			
<i>Vaccine Institution:</i>			
Director	W. Hussey, Esq., M. D.	..	1,800 0
Vaccinating Surgeon	R. Spencer, Esq. . . . .	..	1,200 0
—	W. H. Lys, Esq. . . . .	..	1,200 0
Secretary	Mr. J. K. Deane . . . . .	..	500 0
<hr/>			
Inspector of Buildings and sworn Surveyor }	L. M. Thibault, Esq. . . . .	..	5,000 0
Assistant Surveyor	Mr. J. Melvill . . . . .	..	700 0
Officer of Health	Mr. J. Sinkantyn . . . . .	..	600 0
Colonial Instructor of Midwifery	Dr. Wehr . . . . .	..	500 0
Physician to Governor's Household	Dr. Spencer. . . . .	..	600 0
Government Gardener	J. Redford . . . . .	..	600 0
Porter to Public Offices	P. Roms . . . . .	..	300 0
Waggon Master . . . . .	.. . . . .	..	300 0
<hr/>			
<i>Clergy:</i>			
Political Commissioner	P. J. Truter, Esq. . . . .	..	1,500 0
Cape Town	Rev. Mr. Fleck. . . . .	..	2,500 0
—	Von Manger . . . . .	..	2,300 0
Clerk	Mr. Van Schie . . . . .	..	616 4
—	Fryling . . . . .	..	286 4
Organist	Grundeler . . . . .	..	300 0
Sexton	P. Keeve . . . . .	..	234 0
Stellenbosch	Rev. Mr. Borcherdts . . . . .	..	1,500 0
Clerk	J. J. Scholtz . . . . .	..	199 0
Swartland	Rev. Mr. Scholtz . . . . .	..	1,500 0
Clerk	W. H. Lonyssen . . . . .	..	177 6
Paarl	Rev. Mr. Gebhard . . . . .	..	1,500 0

OFFICES.	NAMES OF OFFICERS.	SALARY.	
		British Estab ^t .	Cape Estab ^t .
Clerk	J. D. Hermans . . .	£. s.	R. Sts.
Tulbagh . . . . .	.. ..	240 0	
Clerk	Rev. Mr. . . . .	.. ..	1,500 0
Swellendam	A. C. Broodryk . . .	.. ..	177 6
Clerk	Rev. Mr. . . . .	.. ..	1,500 0
Caledon	C. J. van der Lith . . .	.. ..	177 6
Clerk	Rev. Mr. Vos . . . .	.. ..	1,500 0
Graaff Reinet	C. H. Paulson . . . .	.. ..	177 6
Clerk	Rev. Mr. Kicherer . . .	.. ..	1,500 0
George	A. van Liugen . . . .	.. ..	177 6
Clerk	Rev. Mr. Herold . . .	.. ..	1,500 0
Simons Town	Rev. Mr. Hough . . .	350 0	125 0
Clerk . . . . .	.. ..	.. ..	125 0
Superannuated Clergy- man	Rev. Mr. J. P. Serrurier . . .	.. ..	1,353 0
Lutheran Clergyman	Rev. Mr. Hesse. . . .	.. ..	183 0
English Church, Cape Town.			
Colonial Chaplain	Rev. Mr. Jones. . . .	500 0	
Clerk . . . . .	.. ..	.. ..	125 0
Organist . . . . .	.. ..	.. ..	100 0
Assistant D° . . . . .	.. ..	.. ..	50 0
Sexton . . . . .	.. ..	.. ..	150 0
Districts:			
Landdrost of Cape Dis- trict*	J. W. Stoll, Esq. . . .	.. ..	3,500 0
Secretary	J. C. Fleck . . . .	.. ..	2,000 0
First Clerk	Wentzel. . . . .	.. ..	600 0
2nd D°	Roselt . . . . .	.. ..	400 0
Messenger	G. F. Geyer . . . .	.. ..	450 0
Under Sheriff	Coghlan . . . . .	.. ..	600 0
2 Ordonn ^{ee} Ruiters	at 25 R ^d per Month each	.. ..	600 0
Overseer at Camp's Bay . . . . .	.. ..	.. ..	360 0
Cashier of the Tolls . . . . .	.. ..	.. ..	360 0
Clerk to the Secretary	Mr. Brand . . . . .	.. ..	300 0
Landdrost at Stellenbosch			
Secretary	D. J. van Ryneveld, Esq.	.. ..	3,500 0
Land ^{ee} Clerk	P. C. van Blommestein.	.. ..	1,000 0
Secr ^{ee} D°	W. D. Hoffman . . . .	.. ..	400 0
Messenger	J. Borchards . . . .	.. ..	300 0
Under Sheriff	H. van der Horst . . . .	.. ..	300 0
	P. Stoel . . . . .	.. ..	360 0

* see Rec. for House Rent.

OFFICES.	NAMES OF OFFICERS.	SALARY.			
		British Estabt.	Cape Estabt.		
		£.	s.	R.	sts.
Post Messenger for carrying Dispatches and the Weekly Gazette to Tulbagh, 10½ hours, at 3 R ^{ds} per hour per month . . . . .		..		378	0
Six Constables, at	180 R ^{ds} each per Annum	..		1,080	0
Six Caffres, at	60 D° . . . . .	..		360	0
Landdrost at Swellendam	P. S. Buissinne, Esq. .	..		3,500	0
Deputy D°	J. H. Frouenfelder, Esq. .	..		1,500	0
Secretary	D. Kuys . . . . .	..		1,000	0
D° to Deputy Landdrost	Mr. G. C. Berghman .	..		600	0
District Clerk	Mr. G. C. Deneys .	..		900	0
Landdrost's D°	— Meyring . . . . .	..		400	0
Deputy Landdrost's D°	— Kuys . . . . .	..		300	0
Secretary's D°	— Kolver . . . . .	..		300	0
Messenger	J. Muller . . . . .	..		300	0
D° to Deputy Landdrost	J. P. Koen . . . . .	..		300	0
Under Sheriff	J. Beer . . . . .	..		360	0
7 Constables at	180 R ^{ds} each per Annum	..		1,260	0
7 Caffres at	60 D° . . . . .	..		420	0
2 Post Boors, at	144 D° . . . . .	..		288	0
2 D°, at	108 D° . . . . .	..		216	0
5 D°, at	72 D° . . . . .	..		360	0
Landdrost of Tulbagh	H. van de Graaff, Esq..	..		3,500	0
Deputy D°	O. M. Bergh, Esq. .	..		1,500	0
Secretary	J. F. Munnik . . . . .	..		1,000	0
District Clerk	J. C. Winterbach . .	..		900	0
Landdrost's D°	J. C. Winterbach . .	..		400	0
Deputy Landdrost's D°	J. Meyring . . . . .	..		300	0
Secretary's D°	J. F. van de Graaff . .	..		300	0
Messenger	F. Mong . . . . .	..		300	0
D° to Deputy Landdrost	G. Keet . . . . .	..		300	0
Under Sheriff	J. F. Hesse . . . . .	..		360	0
Seven Constables . . . . .	.. ..	..		1,260	0
Seven Caffres . . . . .	.. ..	..		420	0
Landdrost of Graaff Reinet	J. H. Fischer, Esq. .	..		3,500	0
Deputy D°	A. Stockenstrom, Esq..	..		1,500	0
Secretary	T. Muller . . . . .	..		1,000	0
District Clerk	J. H. Eckhardt . . .	..		900	0
Landdrost's D°	O. G. Stockenstrom .	..		400	0
Deputy Landdrost's D° . . . . .	.. ..	..		300	0
Secretary's D°	J. C. Boshof . . . . .	..		300	0
Messenger	J. B. Weise . . . . .	..		300	0
Deputy Landdrost's D° . . . . .	.. ..	..		300	0
Under Sheriff	J. Land . . . . .	..		360	0

OFFICES.	NAMES of OFFICERS.	SALARY.			
		British Estab ^t .	Cape Estab ^t .	R.	Sts.
Seven Constables . . .	.. ..	..	..	1,260	0
Seven Caffres . . .	.. ..	..	..	420	0
Postholder at Zondags River . . . .	.. ..	..	..	300	0
Field Commandant . .	.. ..	..	..	300	0
15 Field Cornets, at . .	200 R ^{ds} per Annum .	..	..	3,000	0
Landdrost at Uitenhage .	J. G. Cuyler, Esq. .	..	..	3,500	0
Deputy D ^o	G. S. Fraser, Esq. .	..	..	1,500	0
Secretary	J. C. Bergh . . . .	..	..	1,000	0
District Clerk	F. Auret . . . .	..	..	900	0
Landdrost's D ^o . . .	.. ..	..	..	400	0
Deputy Landdrost's D ^o . .	.. ..	..	..	300	0
Secretary's D ^o	Mr. de Waal . . . .	..	..	300	0
Messenger . . . .	.. ..	..	..	300	0
Ditto to the Deputy Land-drost . . . .	.. ..	..	..	300	0
Under Sheriff . . . .	.. ..	..	..	360	0
1 Constable . . . .	.. ..	..	..	180	0
Six Caffres . . . .	.. ..	..	..	360	0
2 Field Commandants .	.. ..	..	..	600	0
3 Post Boors Capewards .	.. ..	..	..	486	0
3 D ^o towards Graaff Reinet	.. ..	..	..	666	0
Landdrost at George . .	A. G. van Kervel, Esq.	..	..	3,500	0
Secretary	J. F. Bam . . . .	..	..	1,000	0
District Clerk	Mr. Coelhaas . . . .	..	..	900	0
Landdrost's D ^o . . .	Mr. Dutoit . . . .	..	..	400	0
Secretary's D ^o	Mr. Van der Lith . .	..	..	300	0
Messenger	H. J. van der Hoeven .	..	..	300	0
Under Sheriff	J. Stopforth . . . .	..	..	360	0
Six Constables . . . .	.. ..	..	..	1,080	0
Six Caffres . . . .	.. ..	..	..	360	0
Six Post Boors, at . .	144 D ^{rs} per Annum each	864	0
One D ^o	180	180	0
One D ^o	324	324	0
One D ^o	216	216	0
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<i>Bays:</i>					
Superintendent of Saldanha Bay	Mr. Kendler	600	0
1 Coxwain.	240	0
2 Sailors at	240 R. D. each	480	0
2 Signalmen . . . . .	.. ..	..	..	480	0
1 D ^o at St. Helena Bay *	.. ..	..	..	240	0
1 Assistant D ^o D ^o . .	.. ..	..	..	72	0

* Receives an Allowance of Forage for one Horse.

OFFICES.	NAMES OF OFFICERS.	SALARY.	
		British Estab ^t .	Cape Estab ^t .
Superintend ^t of Pletten- berg's Bay }	Mr. Squier	£. s.	R. Sts.
2 Overseers at	144 per Annum . . .	..	600 0
Superintendent of Buck Bay	Mr. Klerck . . . . .	..	288 0
Superintendent of Mossel Bay	Mr. Abue . . . . .	..	500 0
			600 0
<hr/>			
<i>Overseers:</i>			
Overseer of Oute Niqua- land	S. Fend . . . . .	..	360 0
2 Labourers at	87 Rds. per Annum each	..	174 0
Overseer at Grootvader's Bosch	133 4
Overseer of Newlands	600 0
Overseer of Robben Island	216 0
Deputy D°	300 0
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<i>Schoolmasters:</i>			
Schoolmaster at Cape Town	J. Fryling	240 0
D°	J. W. Neyhoff	240 0
D° at Zwartland	J. W. Lonyssen	400 0
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<i>Agricultural Board:</i>			
Agent to Agricult ^l Board	Mr. Klerck, j ^r	500 0
Overseer	— Croucher	1,325 0
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<i>Grain Commission:</i>			
Storekeeper	Mr. Ziervogel	1,500 0
Overseer	Vlotman	540 0
Overseer	J. Kube . . . . .	..	360 0

Memorandum:—All Appointments made by the Governor are subject to His Majesty's Approval. All Fees are applied to defray the Expenses of the Office into which they are paid.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's Letter (No. 12) of the 16th September 1814, with enclosures, which I referred to the Board of Insolvent Estates, whose Report I have the honour herewith to transmit. I have directed that Board to transmit the Balance due on the Estate of Jacob Frieman to the Colonial Agent, T. P. Courtenay, Esquire, which it appears by a communication herewith enclosed has been effected. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 11th 1815.

MY LORD,—I have the honour to transmit to Your Lordship herewith a List of such Grants on Perpetual Quitrent as have been made from the 5th of April to the 31st December 1814.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

*List of Quitrent Leases issued between the 5th April
and 31st December 1814.*

To whom.	District.	Quantity of Land.			Annual Quit-rent.	
		Morgen.	Roods.	Feet.	Rix-dollars.	Skel-lings.
The Hottentot Fleur . . .	Cape	1	300	0	5	0
The Hottentot Elias . . .	"	3	556	0	10	0
Capt. Wilgress, R.A. . . .	"	13	570	0	26	0
Joseph Sager	"	7	486	0	12	0
P. M. van Dauten	"	10	49	0	20	0
Widow Koolman	"	3	494	0	10	0
Jasper Smit	"	104	356	0	10	0
J. C. Schultze. . . .	"	17	72	0	34	4
G. F. S. Geyer	"	15	277	0	31	0
J. A. Dreyer	"	1,289	24	0	322	4
J. H. Dell	"	292	48	0	75	0
Hendrik Cloete, Sen. . . .	"	402	112	0	100	0
Mr. Dashwood	"	1,648	120	0	50	0
Do. . . .	"	3,002	575	0	100	0
J. M. Beyers	"	741	306	0	150	0
Joseph John	"	14	295	6	7	0
Gysbert van Reenen . . .	"	17	92	0	264	0
Klaas Peters	"	11	500	0	28	0
Widow H. O. Laubscher .	"	13	490	0	135	0
Kirsten & Schonberg . . .	"	36	411	0	210	0
Mr. Dashwood. . . .	"	69	23	0	100	0
C. Blair	"	46	115	0	93	0
J. P. F. Kirsten	"	19	500	0	15	0
Wm. Weideman	"	2	154	0	6	0
J. Jancowitz	"	11	128	0	20	0
W. P. L. Cloete	"	2	135	0	5	0
J. M. van Helsdingen . .	"	1,769	285	0	250.	0
Do. . . .	"	189	500	0	80	0
Adriaan Hendrikzen . . .	Simons Town	2	486	0	3	0
Thomas Drury	"	5	309	0	11	0
John Murdock	"	20	270	0	20	4
Thomas Sinclair	"	20	22	0	20	0
Estate of F. Hofmeester .	"	2	65	0	8	0
J. N. Hamman	Stellenbosch	15	339	0	16	0
J. N. van Niekerk	"	84	370	0	60	0
P. A. Rossouw	"	3	85	0	20	0
J. C. Faure	"	8	290	1	17	0
W. de Vos. . . .	"	20	0	0	15	0
H. Cloete & J. A. Beyers	"	104	325	0	65	3
Arend de Waal	"	31	714	0	16	0
W. Buissinne	Swellendam	1,324	546	72	96	0
W. M. Theunissen	"	38	108	0	16	0
M. C. Eksteen	"	4	240	0	4	4
P. G. Human	"	4	15	72	4	4

To whom.	District.	Quantity of Land.			Annual Quit-rent.	
		Morgen.	Roods.	Feet.	Rix-dollars.	Skel-lings.
J. F. Hassner	Swellendam	1,067	439	0	236	0
Daniel le Roe	"	2,442	250	0	250	0
J. Moolman	"	787	485	0	120	0
L. M. Marais	"	5	518	0	5	0
Nicolas Swart	"	1,470	0	0	265	0
Abraham le Roe	"	1,289	550	0	129	0
A. J. Joubert	"	25	80	0	9	0
Do. . . .	"	9	292	0	9	0
J. D. Otto	"	659	200	0	73	0
G. J. Joubert	"	172	150	0	53	0
Frederik van Zyl	"	1,051	100	0	168	0
L. J. & C. P. Groenewald		614	543	0	122	0
H. C. Kuuhn	"	17	569	0	8	0
S. ter Blans	"	360	360	0	20	0
Seb. Fend	George	15	406	0	3	0
H. Alexander, Esqre.. . . .	"	5	36	0	12	0
J. G. ter Blans	"	749	340	0	32	0
J. C. de la Harpe	"	1,917	62	0	61	0
Widow P. ter Blans	"	2,973	500	0	73	0
J. G. ter Blans	"	1,195	61	0	50	0
Do. . . .	"	1,963	75	0	98	0

RECAPITULATION.

District.	Quantity of Land.			Annual Quitrent.	
	Morgen.	Roods.	Feet.	Rixdollars.	Skellings.
Cape	9,577	216	6	2,183	4
Simons Town	50	552	0	62	4
Stellenbosch	267	280	73	209	3
Swellendam	11,347	46	0	1,587	5
George	8,819	280	0	339	0
Total	30,062	174	79	4,382	0

[Original.]

Memorial of COLONEL GRAHAM to EARL BATHURST.

2 GRAFTON STREET, 18th March 1815.

Memorialist obtained the rank of Lieutenant Colonel in consequence of his services at the Capture of the Cape of Good Hope in 1806. He raised (in a few months) and disciplined the Cape Regiment, and begs leave to refer to the official reports at the Horse Guards, to any, or to every General Officer who has seen the Corps, and had an opportunity of judging of the progress made by the Hottentots composing the battalion, in discipline as soldiers, or towards civilization as men.

In 1811 Memorialist assumed the command of a force destined to accomplish what all former attempts, both coercive and friendly, had failed in, viz.—the expulsion of the Caffer Hordes from the most fertile part of the Settlement, and of which, for upwards of 20 years, they had retained exclusive possession.

After 9 months most arduous service, unremitting exertion and privation, complete success crowned their efforts; and between 4 and 5000 square miles of the richest soil in the Colony (formerly the great nursery for cattle) were thus regained to the Crown.

The subsequent dispositions made by Memorialist for the permanent security of that frontier, have been, it would appear, equally successful.

In return for services during near 8 years constant residence in the Colony, Memorialist requests a grant in perpetuity, of that part of the Government Land at the Cape of Good Hope, situated north of Cape Town on Table Bay, and called *Riet Valley*, or, should it already have been disposed of before this request could be granted, he in that case solicits a similar grant of the same extent of the Government Land, and comprehending one of the Government farms at, or in the District of *Groene Kloof*. For every particular relative to the lands in question, to Memorialist's services, his public and private character, he begs leave to refer to every Governor of the Cape, to every General Officer under whom he has served, and in this instance particularly to General Sir John Cradock.

Memorialist the more earnestly entreats a compliance with this request, as it is the last and only hope he has left, of providing for

a wife and encreasing family; the little all he ever had, (savings of pay and prize money) having been so totally absorbed in support of his mother and eight unmarried sisters, that he has been forced to borrow a sum of money to defray his passage to the Cape, whence he is immediately to proceed to assume the charge allotted to him on the frontier. To this is reduced the representative of one of the oldest and most respectable families in Scotland, and to whom, of all the great estates once possessed by them, (and lost chiefly in consequence of the loyalty and patriotism of a long line of ancestors) the family vault alone remains.

(Signed) JOHN GRAHAM.

[Original.]

Letter from CHIEF JUSTICE J. A. TRUTER to EARL BATHURST.

CAPE OF GOOD HOPE, 28th March 1815.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's letter, dated Downing Street the 9th November 1814, respecting the female slave Marie. Highly sensible of the delicacy, with which Your Lordship takes to heart the interest of that woman, as well as the personal sentiments you are pleased to evince on my behalf, and with which it has always been my unremitting endeavours, in all my public situations, to inspire His Majesty's Government; Your Lordship's declaration, that "a breach of faith may with some degree of colour be urged against Government" was alone a sufficient motive for me, after mature consideration, sincerely to incline to comply, with your Lordship's desire, and although such is at present not immediately within my power, as I had ceased, previous to the departure of Sir John Cradock, to be the proprietor of Marie, I shall however do everything possible to promote its success, which is not liable to any apparent doubt, as the present owner can scarcely have a reason not to cede her to His Excellency Lord Charles Somerset, our present Governor, on receiving a fair indemnification; the distance of the owner's residence being alone the cause that Your Lordship's wish cannot be immediately complied with.

In the meantime, as my selling of the girl was a bona fide act, solely to avoid the slightest suspicion in future, and to a person with whom I had not either directly or indirectly the smallest connection, and as I therefore unconstrained placed her out of my power, I believe I may safely leave it to Your Lordship's decision whether my conduct bears any marks of contumacious or strenuous opposition. It is true, I refused Sir David Baird to sell her, but this was for reasons on which the esteem of all the well thinking in my behalf is founded, and which motives Sir David Baird himself evinced to respect, by restoring her to me under condition only, that I should not in consequence of her offensive conduct, ill treat her, and which I believe I scrupulously observed. But your Lordship's remark, of my having continued to resist the strenuous endeavours used to procure her liberty, calls upon me to avow in the most solemn manner, that from the departure of Sir David Baird, to the moment I was honored with your Lordship's letter of the 9th November last, neither any Governor, nor any person, on behalf of Government ever made a proposition, directly or indirectly, or in any manner whatsoever, for the purchase of Marie's freedom. Whatever may have been the cause, this is at least certain, that by not having done so, the justice of such proposal seems to have been doubted, but even under this circumstance, I am sorry to find that my unequivocal inclination to promote everything which might be thought a public good, has not induced His Excellency Sir John Cradock, who acknowledged it on every occasion, to prevent an exposure of that inclination to unfavorable doubt in the mind of Your Lordship.

Allow, My Lord, a man grown grey with honor in the service of his native country, to avail himself of this opportunity to place the nature of the transaction mentioned in Your Lordship's letter, by a recital of some of the principal facts, in its true light.

A most shocking ill usage, shocking even in this land of slavery, committed by one Jacob van Reenen on one of his slaves, and which was attended with death, was brought to my knowledge in the month of July 1812, and at once appeared accompanied with such aggravating circumstances that I, as at that time His Majesty's Fiscal, conceived it to be my duty to direct the landdrost of the District where the business happened, to investigate into the same with the greatest possible dispatch, and, if necessary, to proceed against the guilty for condign punishment, and at all

events to report the result of the investigation to me. Having received that report, I was sorry to perceive that, in my opinion, the business was not elucidated in such manner as was required in the further prosecution for the maintenance of justice. I conceived that I as Fiscal should have entered more minutely into the case; and undertook, not to go lightly to work, to call for a most positive declaration before the full Court of Justice, from those who were officially present at the inquest, of the circumstances which appeared to them on that occasion. On this declaration, by which the case was placed in a very criminal light, I felt it my duty to take the business out of the hands of the legal agent of the landdrost, who besides stood in some relation with the accused, and to commence the prosecution myself, but Mr. Van Ryneveld's death having shortly after ensued, and I having succeeded him, the final prosecution of the case devolved on my successor; the consequence of which was that although I did not sit in judgment, Jacob van Reenen was condemned by sentence of the 17th September 1812 to be confined in the public gaol for three months, and eleven of his slaves to be judicially sold, under condition of never again coming within his power, or that of any of his relations. From this condemnation it clearly appears that I did not do anything else than what the honor and dignity of justice required from its officers; and in which my feelings were the more confident, because I never before had the smallest reason to complain of the conduct of the accused.

In the meantime however it was this business, which some time afterwards gave rise to Francis Dashwood, Esqre., having informed Sir John Cradock that I, who had so rigorously *persecuted* Jacob van Reenen, had been guilty of much greater ill usage to my slave Marie. Sensibly hurt at an accusation of which I knew myself to be entirely innocent, I not only, on being made acquainted with it by Sir John Cradock and Mr. Alexander, the Colonial Secretary, declared to both, without the smallest reserve, that I felt myself innocent, and had not the least reason not to insist on the most scrutinous investigation, but I also immediately prepared to proceed against Mr. Dashwood at law for defamation.

The consequence of this was, that an investigation did take place, which principally consisted in the examination of the original accuser S. van Reenen, a person of notorious character in the Colony, his wife, family and some persons whom he stated

to be witnesses, while Mr. Dashwood six days after that the business was brought to the knowledge of Sir John Cradock, wrote me the annexed letter, in which he declares, "fully to acquit me of being the author of the cruelty inflicted on the female slave Marie." To which I answered "That however satisfactory his letter might seem, abstractedly considered, I still felt obliged to insist on the truth of that pretended cruelty being inquired into."

Hereupon the investigation proceeded, and after that His Majesty's Fiscal had reported the result to Sir John Cradock, the documents, it is true, were sent to me for a very short time for perusal, but with this special condition, that I should not take copies or extracts from them, in consequence of which condition I returned them, without reading to Mr. Alexander, who some time after signified to me, in the name of Sir John Cradock, that as my taking any further steps against Mr. Dashwood would have an unpleasant influence on the public tranquillity, it was His Excellency's wish that I should submit the business entirely to his decision, which, after some remarks, I did, because *bona fide* thinking justice was on my side, I therefore conceived that by this sacrifice I evinced a new proof of my inclination, to cooperate in the support of His Majesty's Government, while the unceasing assurances which I received from Sir John Cradock, both by words and actions, that he took as much interest in the preservation of my honor as in that of his own, made me resolve with confidence implicitly to submit my case, without any hesitation, to His Excellency's judgment. Since that time, I never heard anything from Government of the business, having only received first a letter from the Fiscal by which Marie was again placed at my disposal, and afterwards a resolution of the Court of Justice, from which it appears that the opinion both of His Majesty's Fiscal, and of the Court, which was in this case the competent judge, removed all doubt respecting the groundlessness of the accusation.

The said letter of Mr. Dashwood therefore only anticipated what was afterwards found to be fact, and to the apprehension of what the result would be, I solely attribute My Lord, the motive, why the original and real cause of the accusation, namely "That the prosecution of Jacob van Reenen for beating one of his slaves to death," was suppressed during the course of the investigation, (by whom it has as yet been impossible for me to discover), and

that, in order to give some colour to the accusation Sir John Cradock was informed that my slave Marie was the same person, who, on the last surrender of the Colony, had brought to light the secreting of a considerable sum of money by the members of the Dutch Government, and that therefore every thing which happened to her must be considered as proceeding from motives of revenge for making the discovery.

Although the concealment of the original cause of the charge against me, and the substituting of a new one, would alone be sufficient to render the connection in which the case is now exhibited, suspicious, I however respectfully beg leave to state to Your Lordship, that a false colouring is also given to the alledged circumstance of the secreting of this money, because everything which was done by the Dutch Government (for whose conduct besides I am not obliged to make myself responsible) with respect to monies, then belonging to the military chest, was an overt act, three or four days previous to the capitulation, by proper authority, and in a legal manner by a resolution of the council, the original of which has, together with all the other resolutions of Government, been delivered up, with the Colonial Secretary's Office, to the Commanders of His Majesty's sea and land forces, and which must still be deposited under the Retroacts. The truth of these circumstances may appear from the annexed Documents, to which I further take the liberty to add a part of the correspondence between the Commanders of His Majesty's forces and the members of the Dutch Government, from which it sufficiently appears that there never existed any question about the concealment of monies, but only respecting their disposal, under the relative situation of the British Army with the town, in which question the members of the Government submitted to the demands of the conquerors, solely from a sense of their inability to offer any resistance.

Having the clearest proofs of all these circumstances in my possession, I immediately, on being informed of the communication made to Sir John Cradock, requested, that should anything official in this respect be communicated to His Excellency, I might be allowed an opportunity of giving the necessary elucidation, which request, altho' favorably answered, was never complied with, as I was not informed till after Sir John Cradock had left the Colony, that His Excellency's attention had at that period seriously been fixed on that circumstance; the reticence of which

I have seriously to lament, since I humbly trust it will have appeared to Your Lordship, from the reports respecting my conduct to the last moment of Sir John Cradock's departure, that I at least never deserved, that the way of justification should be made difficult to me. And I respectfully flatter myself, that if I had been allowed an opportunity to have minutely developed all circumstances, the business would have appeared in an entirely different light, and that especially my refusal to sell the girl to Sir David Baird could not be attributed by any one, to other than allowable motives, while my voluntarily disposing of her cannot leave the smallest doubt but that I took no particular interest to impede her in the attainment or enjoyment of any advantage, which moreover, where the liberty of a person is concerned, would be against the existing laws of the Colony.

I beg leave to conclude with assuring Your Lordship that however acutely my feelings have suffered by the unprovoked endeavours to render me in the eye of Your Lordship as unworthy of your protection, it is however with the most sincere gratitude that I view the wisdom and impartiality with which Your Lordship has circumscribed those endeavours, thereby supporting a public servant, who approaches with hasty strides to the end of his career, and who has hitherto not been able to accumulate any other fortune than the approbation of his own heart, and that of his superiors. I have etc.

(Signed) J. A. TRUTER.

[Copy.]

*Letter from Chief Justice J. A. TRUTER to
LORD CHARLES SOMERSET.*

CAPE Town, 28th March 1815.

MY LORD,—I beg leave most respectfully to request Your Excellency may be pleased to permit the enclosed letter to the Right Honorable the Earl of Bathurst to be forwarded by the earliest opportunity with the public dispatches for England. This letter contains my answer to His Lordship's letter of the 9th November last relative to the slave girl Marie, which I had the honor to receive some time ago from Your Excellency.

Having ceased to be the proprietor of the said girl, it is out of my power immediately to comply with His Lordship's desire, but I am almost confident that there will be no objection on the part of the present owner, Nicolas Klaassen, to cede her to your Excellency, if the purchase money he actually paid be refunded. His residence under the district George will require some time for the final settlement; but I see no other difficulty, and should any one contrary to my expectation arise, I am willing to remove it as far as lies in my power.

I only most humbly, but at the same time most earnestly request, it may be understood that in thus expressing my utmost willingness, I am induced by no other motive but that of a sincere inclination to comply with the wishes of the Honorable the Earl of Bathurst, who in taking at heart the interest of the girl, has been pleased to evince sentiments on my behalf, with which it has always been my study to inspire His Majesty's Government, as I am in respectful hopes Your Excellency will feel no hesitation in confirming, should an opportunity offer to that effect.

But in being able thus openly to appeal to Your Excellency's Testimony, as I humbly presume, I may with much more ground do to that of both Your Excellency's immediate Predecessors, the Hon'ble the Earl of Caledon and Sir John Francis Cradock, I cannot refrain from expressing my wounded feelings on Sir John Cradock's having suffered any doubt to arise in the mind of His Majesty's Minister respecting my character, after I had offered to furnish His Excellency with the means of clearing everything up, to his, and every impartial man's satisfaction. I feel the more of it, as, without the wisdom of His Majesty's Minister, I would have been involved in a struggle which, considering the relative situations of the individuals, would, even in doing me justice, in the end have proved to embitter the remnant of an existence greatly exhausted already in behalf of the Public, without a right to any lasting remuneration.

I have taken the liberty of availing myself of the present opportunity to draw, in the enclosed letter, some of the most striking features respecting the cases in question, and I am in confident hopes that from them it will sufficiently appear that much misrepresentation has endeavoured to be laid before His Majesty's Minister, that the origin of the whole must, under the spurious colour of humanity, be sought for in an endeavour to

persecute a public servant, who disregarded personal connections in forcing the operation of the Law in support of offended Humanity, and that to that purpose circumstances have been made subservient, without the respectable characters concerned with the same, from being unacquainted with local circumstances, or receiving only a partial information of the same, doubting the foulness of the source from which it is here of evident notoriety the charge against me actually springs. I have &c.

(Signed) J. A. TRUTER.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 29th 1815.

MY LORD,—In compliance with the Instructions contained in Your Lordship's Dispatch No. 15 dated 10th October last, I have the honour to enclose for Your Lordship's approval a List of the Promotions and Appointments which have taken place in the Civil Service of this Government between the 5th of April 1814 and the 15th March 1815, the same having antecedently been notified in the usual manner by transmission of the Government Advertisements issued within the period above mentioned.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 29th 1815.

MY LORD,—I have had the honour to receive by His Majesty's Ships the *Tyne* and *Chesapeake* Your Lordship's several dispatches No. 19 to 24 inclusive and the Circular Letter dated 17th November last, enclosing Copy of an Act passed in the last Session of Parliament relating to Patent Offices.

I beg to assure Your Lordship that I shall pay strict attention to the commands contained in these communications.

I have the honour to return herewith the papers transmitted to Your Lordship by the Wurtemburg Minister for certification of the several Signatures thereon.

I beg to acquaint your Lordship that I have given the necessary directions for a grant to be made according to the instruction of Your Lordship's Dispatch No. 24, to the Baron van Hogendorp, of the remainder of the Land claimed by the Baron at Hout Bay, a part thereof having been granted by Sir David Baird to a person named Duriez, which was subsequently sold and transferred to another person who has built upon it and brought it into considerable cultivation. Another part was granted by Sir John Cradock to Major Munro his Aide de Camp, who continues the proprietor of it. Upon this subject I have communicated with Mr. Beelaerts van Blokland the Baron's Agent, who will be required to have the remaining Land surveyed, under the direction of the Inspector of Lands, in order to its boundaries being fixed and its Diagram registered according to Colonial Regulations.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the exchange of new for worn out paper money.

29th March 1815.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 30th 1815.

MY LORD,—Mr. de Bruyn van Tromp, Member of the Orphan Board of this Settlement, having represented to me that a lawsuit of considerable importance to himself and to the firm of Black

& Co. of Copenhagen requires his personal attendance in the Island of Java, I have (after having approved of an arrangement for the execution of those duties during his absence) given him leave of absence from this Settlement for three months, which is all that I am empowered to do under Your Lordship's Instructions of the 17th February 1814; but as that term is barely sufficient for the voyage from hence to that place, Mr. De Bruyn has strongly solicited that adequate time may be allowed for prosecuting and bringing to termination the important cause in which he is principally concerned.

Under these circumstances I have the honour to refer this case for Your Lordship's consideration and decision, begging at the same time leave to remark that the term of three months is barely sufficient for Officers of the Civil Government to proceed to the port of their destination, be it situate where it may, and that therefore the orders issued in regard to leaves of absence above alluded to seem to press (from the locality of this Colony) with peculiar hardship upon the Civil Servants of this Government.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 31st 1815.

MY LORD,—In answer to your Lordship's Dispatch of the 14th December 1814 (No. 23) I have the honor to state to Your Lordship that altho' Horse Racing has existed in this Settlement during the last eighteen years it is not carried, as Your Lordship has been given to understand, to any considerable extent, altho' my Predecessors in this Government (and particularly Sir John Cradock I am informed) thought it expedient for the Improvement of the breed of horses to give it every encouragement.

I am happy to inform Your Lordship that I find from the *most minute* Enquiries, that since I have been in the Colony no tendency whatever to a spirit of Gambling has existed. Should any appear,

Your Lordship may be assured that I shall of course discountenance it by every means in my power.

The Horse-racing here remains upon the same footing it did during the Administrations of Lord Caledon and Sir John Cradock, and it is evident that it has contributed greatly to the Improvement of the Horses in the Colony, which is very peculiarly adapted to the breed of that Animal. If however it be the Pleasure of His Majesty's Government to direct that the Races here should be altogether forbidden, I shall be ready to obey Your Lordship's Instructions on that head, although I am of opinion that such a measure would be extremely disadvantageous to the Interests of the Colony, and give great dissatisfaction to the Dutch Landed Proprietors. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, April 3rd 1815.

MY LORD,—I have the honor to transmit to Your Lordship a letter (enclosure No. 1) which the Deputy Barrack Master General at this place has forwarded to me from the Lieutenant Governor, (The Hon^{ble} Robert Meade) respecting the house appropriated to the use of The Commander of the Forces here, but at present lent to Lt. General Meade. Your Lordship will perceive by enclosure No. 2, the expenditure which has already been made in the repairs of that building since it has been appropriated to the present Lieut. Governor's use, and by No. 3 the repairs now wanting in the barracks in Cape Town.

The very serious expence that must be incurred from these buildings having been permitted to run into so dilapidated a state, has induced me to direct that the security only of the buildings shall be considered, until I shall have the honor to receive Your Lordship's instructions respecting them, as I am reluctant to undertake any heavy expence which falls on the British Treasury, without giving Your Lordship previous information of it, par-

ticularly as I have not yet received any intimation respecting the ultimate fate of the Colony.

Permit me My Lord to represent to Your Lordship the necessity of having a clerk of the works and storekeeper for the Barrack Department here, as the assistance of officers well qualified for those appointments would be extremely advantageous to the interests of Government where the expenditure is likely to become large. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, April 3rd 1815.

MY LORD,—I have the satisfaction to inform Your Lordship that tranquillity is so much restored on the Kaffer Frontiers of this Settlement, that I am enabled to authorize the Landdrost of the District of Uitenhage to permit the Commandos (Armed Inhabitants) to return to their respective homes, particularly as I have armed a Detachment of the 21st Dragoons with Rifles, in lieu of the sword and carbine, which were found useless in that species of warfare. These Troops together with the Infantry are now considered sufficient to secure the Frontiers from the Inroads of the Kaffers. As the Commandos were called out and have been kept under arms since August 1811, their dismissal now will be very acceptable to the Colonists in general. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 4th April 1815.

MY LORD,—I have the honour to transmit to your Lordship the copy of a letter addressed to me by Mr. Truter, Chief Justice in this Settlement, accompanying one to your Lordship in reply to

your communication to that Gentleman, which I delivered to him, agreeably to the Instructions I had the honour to receive from your Lordship in your despatch No. .

In consequence of the information Mr. Truter has given me relative to the Slave Girl in question, I have directed her freedom to be purchased, and shall have the honour to report to your Lordship as soon as the purchase shall have been completed.

I cannot sufficiently express to your Lordship my regret at the unfavourable impression towards Mr. Truter, which the representation made to your Lordship appeared to have created. The character of Mr. Truter for integrity and benevolence stands inferior to no man's, and I can safely appeal to my Predecessors in office for a confirmation of this Sentiment. This knowledge of Mr. Truter's character gives additional strength to the decision of the Court of Justice of this place, upon the point in question, a translated copy of which I have the honour to enclose.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Extract of Resolution taken in the Court of Justice at the Cape of Good Hope on Thursday the 11th August 1814.

Having therefore deliberated on the Memorial of D. Denyssen, Esqre., His Majesty's Fiscal, exhibited in Court on the 2nd June last, respecting the charges of cruel ill treatment said to have been inflicted on the girl Marie, slave of the Worshipful J. A. Truter, Chief Justice, as well as on the documents exhibited, both with that further Memorial and with the first declaration of the R. O. Memorialist on the 14th October 1813 ;

It was resolved, after that the Worshipful the Chief Justice and Mr. P. J. Truter had excused themselves from deliberating on this case, to acquiesce in the declaration of the R. O. Memorialist that there are no grounds of action against any person on the charge of cruel ill treatment which the said Marie was said to have suffered, and to declare, as is hereby declared accordingly, that the Chief Justice J. A. Truter, Esqre., his wife, the 1st Undersheriff T. F. Wildhagen, and those who were employed in inflicting a domestic correction on the said slave girl Marie, are entirely pure and

innocent of the charges preferred; further leaving His Majesty's Fiscal at liberty, should he, in consequence of the said charges, find terms for action against any person or persons, to institute the same according to the tenor of the investigation held in this case, in such manner as he, by virtue of his office, may deem advisable.

A true Extract.

(Signed) G. BEELAERTS VAN BLOKLAND, Secretary.

[Original.]

Letter from the REVEREND C. I. LATROBE to EARL BATHURST.

NEVIL'S COURT, FETTER LANE, April 20th 1815.

MY LORD,—When I had the honour of addressing Your Lordship on the 9th of March appealing to Your candour and justice in attending to my representation of the case of the missionaries of the United Brethren at Groene Kloof near the Cape of Good Hope, I referred to documents not then in my possession, relating to the generous free gift by Government of the lands and premises on which the settlement stands, and the security promised, and ordered to be made out, by His Excellency the Earl of Caledon.

Though I did not doubt, but that Your Lordship would believe my statement to be founded in truth, and knew, that thro' Your goodness, farther directions had been transmitted respecting the safety of the missionary settlements of our church in that Colony, yet I thought it my duty, as well as I was able, to procure copies or translations of the papers referred to in my former letter, and now take the liberty to lay before you such as have been sent to me from abroad, having translated them into English. The originals are at Gnadenhal, and I could therefore only procure translated copies, which however, though not as to the letter, yet as to the sense, are faithful and sufficient to prove to Your Lordship, how different the treatment of the missionaries and their people is, in the present instance, from that which they experienced from His Majesty's former Governors of the Cape, the Earl of Caledon and Sir John Cradock, as soon as the latter had become acquainted with the true nature of the case.

Your Lordship has been pleased to propose to me, thro' Mr.

Goulburn, "that Groene Kloof should be returned to Government for an equivalent. I lost no time in reporting this proposal to the Synodal Committee of our church appointed for the management of the missions, together with your reasons, originating in a benevolent wish, to place the Mission in a situation less liable to become an object of envy and molestation. I have also added my vote for the removal of the Mission, but only on this ground that if it is the wish of Government, we ought to submit.

But the more I consider what has been done in the short time the Mission has existed in collecting a congregation from among the heathen, gradually reforming their habits, teaching them to live by their industry, and preparing for the introduction of every practicable art, and when I read in their journals the detail of their exertions, not for themselves, but solely for the benefit of the Hottentots, of the result of which impartial strangers will testify, the more painfully do I feel the breaking up of such an establishment, nor do I think, that in its present improved state a full equivalent can easily be found.

As to the envy and opposition of some of the farmers, that will everywhere be met with, but till now, our missionaries have been sufficiently protected from its effects by the justice and wisdom of the Government at the Cape. The present unexpected measures, of course, place us in a very difficult predicament, and we have neither right nor inclination to resist the wishes of the Governor. Might they but have been expressed without the unmerited accusations preferred in Mr. Bird's letter, which I yet cannot consider as official, and hope that such a production will not be suffered to disgrace the records of a Government like the British.

Pardon me, my Lord, if my feelings on this occasion are not perfectly in unison with that christian patience, with which the missionaries at Groene Kloof have borne the injury done to the character of themselves and their people. But I can assure You, that nothing can diminish that sense of gratitude, which we owe to the British Government, and particularly to Your Lordship, for the many favours received in the prosecution of our missions, wherever we have the happiness to be under British Dominion.

With the sincerest esteem, etc.

(Signed) CHR. IGNATS. LATROBE,
Secretary of the Unitas Fratrum.



[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning worn out paper money.

21st April 1815.

[Office Copy.]

*Letter from HENRY GOULBURN, ESQRE., to LORD
CHARLES SOMERSET.*

DOWNING STREET, 27th April 1815.

MY LORD,—As Mr. Gall who holds the Situation of Post Master at the Cape of Good Hope is now about to return to resume his official functions there, I am directed by Lord Bathurst to inform you that his leave of absence has been extended to the present time, and that he will therefore be entitled on his arrival in the Colony to receive one half of the Emoluments of his Office during his absence. I have &c.

(Signed) HENRY GOULBURN.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning worn out paper money.

28th April 1815.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 29th April 1815.

MY LORD,—I beg leave to call your Lordship's early attention to, and to beg your commands upon, a difficulty which has

occurred in the collection of the Custom Branch of this Revenue, under the following circumstances:

By an order of His Majesty in council dated the 11th of June 1806 and promulgated in this Settlement on the 18th of September 1807, it was ordered "that all goods, wares and merchandize the growth, produce and manufacture of Great Britain or Ireland which shall be imported in British vessels into this Settlement from any part of His Majesty's Dominions, owned and navigated according to law, shall be admitted to an entry free of duty."

This order took off a duty of 3 per Cent *ad valorem* which antecedently had been charged upon British articles.

It had been remarked that the imposition of this duty falling ultimately upon the colonists in no way subtracted from the profits of the British merchants, and that its being again enforced would not be likely to diminish the consumption of British manufactures; under this impression Sir John Cradock in his dispatch to your Lordship No. 6 dated 18th October 1811 recommended its renewal, and it appears from your Lordship's reply dated 24th August 1812 that Sir John's dispatch had been referred to the Lords of Trade, as Your Lordship therein transmitted to my predecessor a copy of Lord Chetwynd's letter to Mr. Peel in which the extract herein enclosed notices and approves of Sir John's suggestion.

Sir John Cradock, considering, I conceive, the paragraph as an intimation to adopt the measure which he had pointed out, issued a Proclamation dated 8th January 1813 imposing a duty in His Majesty's name of 3 per cent *ad valorem* upon all goods, wares and merchandize of the growth, produce and manufacture of Great Britain or Ireland, imported in British vessels into this Settlement, and subsequently a schedule was framed and published, stating the rates at which such goods were to be valued for the collection of the duty in question. This duty therefore has been so levied from that period up to the present.

It having however been represented to me that the schedule of rates before quoted did not value at their present price the articles enumerated, I directed the Collector and Comptroller of His Majesty's customs to prepare a new schedule adapted to the present price of things, and was about to issue the enclosed Proclamation when, examining into the authority for the measure it has not appeared to me that I am warranted in so doing, no copy

of the order of council existing in the Colony (as far as I can discover) as the one alluded to in the Proclamation issued by Sir John Cradock on the 8th January 1813 and no authority having been communicated to this Government for the measure beyond the letter of Lord Chetwynd to Mr. Peel above alluded to.

Under such circumstances I beg to put the case into Your Lordship's hands, and to await Your Lordship's instructions. I have not suspended the collection of the duty at the rates hitherto imposed, as the order in council may possibly exist altho' I have no document of it, neither have I permitted the doubts I entertain to go forth, lest it should occasion serious embarrassment, but it is proper I should acquaint Your Lordship that I am informed that the merchants of this place have at different times strongly expressed their sentiments upon the subject. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 9th May 1815.

MY LORD,—As it is extremely desireable that His Majesty's Government should be from time to time informed of the State of the Government farms at the Cape, and the Mode in which the Lands of that Colony may be from time to time either Leased or Granted, I have to desire that you would transmit to me, a Return of the Leases or Grants authorized by you since your Assumption of the Government in the respective Forms herewith transmitted, and that you would at the commencement of every Year forward Returns of the Leases or Grants made by you during the preceding Year. I have &c.

(Signed) BATHURST.

P.S. In the Column of the Return marked No. 1, which is reserved for Observations, it is desireable that you should state whether the Farms were leased by public Tender or otherwise.

RETURN OF GOVERNMENT FARMS.

Inclosure No. 1.	Name and Situation of the Farm.	Name of the Lessee.	When Let.	For what term of years.	Annual Rent or other considera- tion paid.	Observa- tions.

RETURN OF LAND GRANTED.

Inclosure No. 2.	Situation of the Grant.	Extent.	Name of Grantee.	Date of the Grant.	Quit Rent or other considera- tion paid.	Observa- tions.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 9th May 1815.

MY LORD,—Colonel Graham, whom I had occasion to recommend to your Lordship in my Dispatch of the 30th of July last, is on the point of embarking for the Cape, and, being desirous of making a permanent establishment in that Colony, has requested that a Government Farm may be granted to him.

The situation which he has pointed out as most desireable to him, is that of Riet Valley, and considering the meritorious Services of Colonel Graham both at the Cape and in other parts of Europe where he has been employed on His Majesty's Service, I have had no hesitation in recommending his request to the favor of His Royal Highness The Prince Regent. I have in consequence received His Royal Highness's Commands to direct you to make a Grant of the Farm in question to Colonel Graham upon the Conditions usually annexed to Grants of Land in the Colony. In regulating the amount of Quit Rent to be received upon the Farm, you will on the one hand not forget the Claims which Colonel Graham has on the Colony, but you will equally on the other

attend to the real value of the Farm itself, and the right which the public has to receive a fair equivalent for the Grant.

In the event of the Farm at Riet Valley not being vacant at the time when this dispatch is received, I think it necessary to add that His Royal Highness equally authorises you to grant to Colonel Graham a farm in any other Situation which he may consider eligible, taking care however in the event of his selection of one of the Farms at Groene Kloof, that it in no degree interferes with the Missionary Establishments in that Quarter.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 9th May 1815.

MY LORD,—I have the honor to enclose to your Lordship a letter addressed to me by Mr. Latrobe requesting the interference of His Majesty's Government for the support and protection of the Unitas Fratrum Missionary Establishments at the Cape of Good Hope.

It is unnecessary to acquaint your Lordship, that His Majesty's Government have always viewed with especial favor the Missionary Establishments of this Society, distinguished as they are not more by the good effects produced in the Countries where they exist than by the peaceable and proper conduct of the Missionaries themselves. At the Cape indeed those Establishments have received the concurrent approbation of all persons who have had an opportunity of observing their conduct and effects; and it was therefore with considerable regret that I observed any disposition on the part of your Lordship to undervalue their exertions. I have no doubt that a better acquaintance with the real nature of those Establishments, derived from a longer residence in the Colony, will have induced you to form a more just estimate of their value, and that you will be disposed (even without the specific Instruction which I have now to convey to you) to afford

to the Establishment at Groene Kloof that Security which is necessary to give permanency to that useful Institution.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to MAJOR GENERAL SIR HENRY TORRENS.

CAPE OF GOOD HOPE, May 15th 1815.

SIR,—In the letter I had the honor to address to you of the 15th March last, transmitting a copy of one from Vice Admiral Tyler respecting tonnage to convey the 1st battalion 83rd Regiment to England, I stated an expectation that was held out to me, that the fleet which was expected from China in the course of four weeks from that period, would be able to afford tonnage for that battalion. That fleet however as well as the subsequent one from China has passed the Cape for Europe without touching here. I therefore conceiv'd it my duty to make another application to the Vice Admiral on the subject in consequence of hearing that it was his intention to send home the greater part of the shipping belonging to this station.*

I have the honor to enclose the Vice Admiral's reply, by which I regret to find that I shall not be enabled to carry into effect the orders of His Royal Highness the Commander in Chief at the present moment. I have etc.

(Signed) CHARLES HENRY SOMERSET,
General commanding the Forces at the Cape of Good Hope.

* The names of the ships on this station are,

<i>Medway</i> ,	74	Guns
<i>Centaur</i>	74	"
<i>Liverpool</i>	40	"
<i>Niger</i>	38	"
<i>Chesapeake</i>	38	"
<i>Penguin</i>	20	"
<i>Philomel</i>	20	"
<i>Harpy</i>	18	"
<i>Morley</i>	} Transports	
<i>Atalanta.</i>		

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me by the worshipful the Court of Justice, that much irregularity has prevailed from the practice of covering notarial acts with stamps, instead of writing such acts on paper stamped as the law prescribes; and from the practice of drawing up original vendue notes on unstamped paper, covering the same with stamps only in such cases in which it became necessary to prosecute the claim arising from neglect of payment or otherwise, to the great detriment of the public revenue; and to the great injury of the individuals whose interests are by such practices affected: I do hereby, by virtue of the power in me vested, order and direct, that henceforward all notarial acts shall be written and signed upon paper stamped, (as in each particular case the standing regulations of this colony direct), and in no case be covered by such stamps only; and I hereby further order and direct, that all vendue notes shall be written upon the stamp which the proclamation of the 22nd May 1812 enjoins, and not covered only with such stamp as hereinbefore explained; and in order to give due effect to the aforesaid necessary regulations, I do hereby authorize the worshipful the Court of Justice and command them, in every case in which it shall appear to them or to any commission from their Board that this regulation shall have been contravened, to impose and levy upon the notary or district secretary or vendue-master so offending, a fine not exceeding Rds. 50 for each separate transgression, which fine shall be paid into the hands of the secretary to the Court of Justice, or to the secretary to the Commission of Circuit, as the case may be, to be by him accounted for in the general account of receipts and disbursements of the worshipful court aforesaid.

And it is hereby declared and made known, that nothing herein contained shall be construed to affect the penalties heretofore attached to the passing any notarial acts upon other than paper regularly stamped according to law.

And that no person may plead ignorance thereof, this shall be published and affixed as usual.

God save the King!

Given under my hand and seal at the Cape of Good Hope,
this 26th day of May 1815.

(Signed) C. H. SOMERSET.

[Copy.]

*Letter from CAPTAIN PETER GORDON to HENRY
ALEXANDER, ESQUIRE.*

TABLE BAY, 27th May 1815.

SIR,—I take the liberty of addressing you on the behalf of Thomas Currie, John Tankard, and John Talsen resident on the Island of Tristan D'Acunha, where being left several days in the month of November last, I had an opportunity of seeing and partially feeling their wants.

The first named landed on the Island on the 27th December 1810 in company with Captain Jonathan Lambert and Williams, both of whom (together with a seaman landed from the *Queen Charlotte* in 1812) are supposed to have perished at sea on 17th May 1812 when out fishing.

The difficulties encountered and wants endured were very great, particularly during the first year or two, but by perseverance and industry they enjoy at present a comparative state of plenty, having potatoes, cabbages, carrots, turnips, radishes, onions, lettuce not only for themselves, but also for the supply of occasional visitors; wheat, oats, &c. are cultivated, and they possess about one hundred pigs bred from wild ones taken soon after their arrival.

The situation of these islands in the direct route from Europe and the United States to India, China and New Holland, together with its relative distance from those places render it a very convenient place for vessels which are only in want of water and such other articles as the Islands supply, to touch at. The anchorage is very good in 10 fathoms coarse black sand for many of the largest ships, small craft may ride in Reception Bay in 3 fathoms open only from S.E. to S.W. with the advantage of a constant light air off the high land which prevailed all the time I was there, although in the offing it blew very fresh in the opposite direction.

The shores are frequented by sea lions and seals in great

numbers, and the neighbouring sea by whales without number and a great abundance of small fish of various sorts. The air is of a very agreeable temperature throughout the year, the soil of the tongue of land settled, and which is six or eight miles in circumference, is about thirty foot thick of fine black mould, this tongue alone I think might maintain twenty families.

The said Currie having acquired about twenty casks of seal oil was desirous of disposing of it for necessaries, but found no means of doing so with any of the vessels which had touched there, it is to be feared therefore that he may be necessitated to leave the island, in which case they may perhaps be settled by the Americans or Portuguese, both of whom have claims (excepting actual possession) equal to our own; or even if reoccupied by him or others under the British protection the difficulties to be encountered would be nearly equal to those attendant on a new settlement. He always expressed himself contented with his situation in every respect except one, which was the want of a female companion, which if removed would I doubt not be the means of establishing a permanent British Colony on the Tristan Islands.

Currie requested me, if touching at the Cape of Good Hope, to return his thanks to the admiral of the station for having remembered them by annually sending a frigate to see how they went on, and to request of His Majesty's Government that by the next opportunity a passage might be granted to any female settler who would be found willing to partake of his fortune, also that a few ewes and rams with a few plants and seeds might be supplied him; also if not too great a favour a head or two of black cattle, utensils &c. The benefits of such a supply would be more national than individual. I have etc.

(Signed) PETER GORDON,
Commander of the Country Ship *Bengal Merchant*.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, June 8th 1815.

MY LORD,—I have the honour to inform Your Lordship that in compliance with the directions contained in your dispatch No. 21

to Sir John Cradock, Gerrit Renneke a convict (to whom His Royal Highness the Prince Regent had been graciously pleased to extend mercy on condition of his transportation for life to New South Wales) has been put on board the Convict Ship *Canada*, which put in here for refreshment, and proceeded from hence to Port Jackson on the 3rd instant.

I embrace this opportunity to submit to Your Lordship the expediency of authorizing the Governor of this Settlement to forward, as occasion may offer, to New South Wales such Convicts as shall be or may have been condemned by the Colonial Court of Justice to Banishment for Life for aggravated Crimes. At present persons under such circumstances are sent to Robben Island (a small Island at the mouth of Table Bay distant from hence about nine miles, and from Blauwberg not more than five), there being no other means of disposing of them, and they are there employed in quarrying, but there is neither sufficient work for them at that Station, nor is it altogether secure, frequent instances occurring of the escape of such individuals to the Continent. Should this suggestion be found worthy of Your Lordship's attention, I beg also to request that Instructions may be given to the Governor of New South Wales to receive persons sent from hence with a copy of their Crime and Sentence upon the same footing as other Convicts sent from England, and that directions may be given to the Convict Ships regularly to touch at this place on their outward bound voyage to New South Wales. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, June 8th 1815.

MY LORD,—I have the honour to enclose for Your Lordship's consideration a copy of a letter which has been addressed to Mr. Alexander on behalf of the three Persons who are resident upon the Island of Tristan da Cunha.

I beg also to call your Lordship's attention to the peculiar situation of the little spot, with a view of obtaining your Lordship's



sanction for taking a formal possession of the Islands in His Majesty's name.

It appears from the old records of this Colony that the Dutch early visited this place, and copies of their old Charts and descriptions of the anchorages have been communicated from the Colonial Office here to several Officers of His Majesty's Navy. The situation of the principal Island as a watering place for ships outward bound to India, China, New Holland, &c., is of itself particularly favourable to the British interests generally, but the circumstance of Cruizers and Privateers having it in their power in war time to refresh there to the great annoyance of all vessels either frequenting these Harbours or proceeding on their outward or homeward bound voyages, renders it extremely important that it should not be occupied by any other power.

During the last year of the American war these coasts were much infested by the Cruizers of that Power, many homeward bound ships were captured by them, one in particular immediately off Saldanha Bay, where the crew was landed, and the *Morley* Transport on a coasting voyage to the Eastward likewise fell into their hands. It is presumed no ships could keep these tempestuous seas long, had they not a place of refreshment to touch at, and that these Islands have furnished our Enemies such a place is strongly suspected, as an American cruiser escaped from thence when His Majesty's Ships *Niger* and *Laurel* touched there in March 1814.

Its favourable situation has already attracted the attention of the French Government, and Mr. Borri St. Vincent, one of their Scavans, has strongly recommended its occupation by that Nation. If under these circumstances your Lordship should deem it advisable to direct possession to be taken of it, as herein suggested, it is not to be doubted that its favourable situation for the Whale fishery will induce many Persons from this place to avail themselves of any permission which may be granted for proceeding thither, and part of the Garrison Company of this place might be employed to garrison the Island and be annually or oftener relieved. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of new to replace worn out paper money.

8th June 1815.

[Original.]

Letter from THOMAS COURtenay, ESQRE., to HENRY GOULBURN, ESQRE.

LONDON, 10th June 1815.

SIR,—I have the satisfaction of acquainting you, for the information of Earl Bathurst, that I have received instructions from the Cape, accompanied with remittances, which will put it in my power to commence the repayment to this Government of the sums which have been received from the Paymaster General by myself and former agents, in consequence of Warrants from the Lords Commissioners of His Majesty's Treasury, on account of the Water Works, printing presses, and other extraordinary supplies provided for the Government of the Cape of Good Hope.

I cannot at present ascertain precisely the amount of the payment which I shall be enabled to make, but it will certainly not be less than six thousand pounds, and will take place on or before the 17th of next month,—the bills remitted falling due about that time.

I apprehend that it will be necessary that a communication be made to the Lords of the Treasury, in order that I may be instructed as to the mode of making this repayment.

Lord Bathurst will have the goodness to observe, that the advances of which I am about to commence the return, are those which have been made for *Extraordinary* services and that it will be necessary for me to apply to His Lordship from time to time for issues of money on account of the pay of officers and other current demands as heretofore. I have etc.

(Signed) Tho. PER. COURtenay,
Colonial Agent for the Cape of Good Hope.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

*Medway, SIMONS BAY,
CAPE OF GOOD HOPE, 14th June 1815.*

SIR.—I request you will inform the Lords Commissioners of the Admiralty that a Merchant Vessel from England arrived at this place the day before yesterday, bringing accounts of the extraordinary events which have occurred in France since Buonaparte's return to that Country; and that I have, in consequence of this intelligence, countermanded the arrangements I had made for returning to England with the Squadron under my command.

It was my intention to have dispatched the ships named in the margin immediately, and to have followed soon after with the remainder of the Squadron; but you will be pleased to inform their Lordships that this unexpected change of affairs has induced me to detain those Ships until I receive further orders from their Lordships, or such accounts as will justify my sending them home.

I shall immediately dispatch vessels with the above intelligence to the Mauritius and Saint Helena, and I shall also forward it without delay to the Commander in Chief in the East Indies.

You will be pleased further to inform their Lordships that His Majesty's Sloop *Dauntless* arrived from America on the 10th instant, with the original of their Lordships' order directing the cessation of hostilities against the United States. . . .

I have further to acquaint you, for their Lordships' information, that I have ordered His Majesty's Sloop *Victor*, which arrived from the East Indies with His Majesty's Ship *Africaine*, to proceed with this dispatch, and I have thought it advisable to send orders to the Captain of His Majesty's Ship *Chesapeake*, in case he should not have sailed from Saint Helena, to give the India Ships, which had received instructions to sail without protection, convoy to England. I have &c.

(Signed) CHAS. TYLER.

[Original.]

Return of the Ships and Vessels under command of Vice Admiral Tyler at the Cape of Good Hope on the 14th of June 1815.

Medway, 74 Guns, in Simons Bay.

Centaur, 74 Guns, do.

Liverpool, 40 Guns, do.

Niger, 38 Guns, under orders for England.

Chesapeake, 38 Guns, put to sea to assist a dismasted ship off the Cape.

Tamar, 24 Guns, in Simons Bay.

Harpy, 18 Guns, do.

Penguin, 18 Guns, sent to St. Helena to intercept an enemy's privateer.

Philomel, 18 Guns, sent to India with despatches.

(Signed) CHAS. TYLER, Vice Admiral.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 19th June 1815.

MY LORD,—I have the honour to inform your Lordship that I have not hesitated to order the embarkation of the 72nd Regiment for Bengal, upon the receipt this day of a Dispatch from the Governor General of India, a copy of which I have the honor to enclose.

Had the renewed order for the return of the 83rd Regiment to Europe not rendered it imperative upon me to hold that Corps in readiness for embarkation for England as soon as shipping can be procured for the purpose, I should have thought it my duty, to the great interests of my Country, to have given more efficient aid to the Indian Government at this pressing conjuncture; but that circumstance, and the news of the recent changes in Europe precluding me from immediately employing in this emergency a Regiment destined for home service, I have confined myself for

the present, to sending the 72nd Regiment. The only Corps of Infantry remaining being the first Battalion of the 60th Regiment, a part of which is employed in the Interior of this Settlement (500 miles from this place), and this Regiment being composed of Foreigners, a description of Soldier which I understand has not been considered eligible for the Indian Service. Should, however, more unfavourable intelligence justify the apprehensions of the Governor General that the Military and predatory powers of India, taking advantage of the present unfortunate events in Nepaul, may rise, I shall (unless in the interim some service of equal importance is designated for the 83rd Regiment by Instructions from Home) still feel it incumbent upon me to avail myself of its services for this important object, without allowing any consequence personal to myself to prevent the utmost exertion of this Government being employed on this occasion, however I may regret the interpretation which has been put upon my zealous endeavours in the discharge of my duty here, and with whatever anxiety I may naturally be supposed to look at the result.

I trust, therefore, that your Lordship will submit the circumstances under which I have ventured to incur this responsibility to the favorable consideration of His Royal Highness the Prince Regent, and that your Lordship will explain to His Royal Highness, that as I consider this Colony principally valuable to Great Britain as it is an outwork to India, in sacrificing local considerations to the wants of that Great Empire, I am in humble expectation of His Royal Highness's gracious approbation.

I beg to call your Lordship's attention to the reduced situation of the Force under my command, and to suggest the expediency of reinforcing this Army without delay; and I also beg leave to submit to your Lordship the advantage of having a Force always ready here for emergencies in India, considering that Troops after having been two or three years in this climate, are infinitely more effective for Indian service than Regiments sent from Europe, and considering also that there is no other part of the world in which Troops can be kept with equal economy. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the REVEREND C. I. LATROBE to EARL BATHURST.

NEVIL'S COURT, FETTER LANE, June 19th 1815.

MY LORD,—Having had Your Lordships Commands to propose to the Synodal Committee for the management of the affairs of the Missions of the United Brethren an exchange between Groenekloof at the Cape of Good Hope and some equivalent, to be approved by the missionaries residing there, I have the honor to lay before Your Lordship the answer I have received.

The Committee feel greatly obliged to Your Lordship for the condescending manner in which the proposal is made, as leaving to the missionaries to declare their satisfaction with the equivalent to be given, and have desired me, in general, to express their sincerest gratitude for the favor Your Lordship has ever shown towards the missions of the United Brethren.

They consider it their duty, to render obedience to the wishes and commands of Government in all cases, but beg to avail themselves of the permission granted by Your Lordship so far as to charge me to make every possible enquiry as to the state of Groenekloof, and those circumstances which seem to plead either for or against quitting a situation particularly chosen and appointed by the Government at the Cape for a Missionary Station the breaking up of which might be attended with great inconvenience and harm to the mission. They authorize me, after maturely considering the subject in all its bearings, to give an answer in their name.

Feeling all the responsibility attached to such a charge, I took the liberty of waiting upon the Earl of Caledon that I might obtain more complete information, when his Lordship entered more particularly into the reasons which urged him to select this place for a settlement of Christian Hottentots, pointing out the fitness of the situation, and the probable impossibility of an equivalent being found, in consideration of the great improvements already made by the missionaries and their people.

And as his Lordship kindly expressed his readiness to give every explanation on the subject, I humbly beg to be permitted to refer Your Lordship to him for that information which will

enable you to judge of the case better than any statement which I can make.

But if after all it should be thought fit to order the proposed exchange to be made, I have the direction from the Synodal Committee to submit to the wishes of Government, whatever loss the mission may sustain, as we wish under all circumstances to approve ourselves as loyal and obedient subjects, and I am confident that no sacrifice will be required which will injure a cause, the value of which Your Lordship well knows how to appreciate.

With the sincerest esteem etc.

(Signed) CHR. IGNATS. LATROBE,
Secretary of the church of the Unitas Fratrum.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

*Medway, SIMONS BAY,
CAPE OF GOOD HOPE, 28th June 1815.*

SIR,—I request you will inform the Lords Commissioners of the Admiralty that considering it highly expedient, in consequence of the events which have recently occurred in France, that the French Squadron, consisting of the Ships named in the margin,

L'Africaine, 44 Gun
frigate,

Salamandre, Frigate built
Ship armed en flute,

Elephant Do.
Loire Do.

which, a short time since, conveyed the Garrison to the Island of Bourbon, should be prevented from returning to France while the existing Government remains in authority, and as there is reason to believe it has not yet quitted Bourbon, I determined on immediately sending a Force thither to communicate those events to the Officer Commanding the French Ships, and to acquaint him that

the present situation of affairs rendered it necessary that he should remain at the Mauritius until he receives further instructions from the government of His Majesty Louis the 18th.

The Ships and Sloop named in the margin, under the command

of Captain Caulfield of His Majesty's Ship *Centaur*, having
Liverpool received directions to proceed on this service, sailed on
Tamar the 24th Instant, but a Vessel arriving which had left
Harpy the French Ships off the Cape only two days before on
 their way home, I countermanded their orders to proceed to the
 Mauritius, and directed Captain Caulfield to pursue the said Ships
 as far as Saint Helena, and in the event of falling in with them to
 bring them back to the Cape.

My instructions to that Officer directed him to take particular care to let the French Commodore understand that the detention of his Ships was desired with no other view than to secure the possession of them to His Most Christian Majesty, an object that would, in all probability, be defeated were they, at the present crisis, to return to France. If, however, after such representation he should still be determined to proceed, I directed Captain Caulfield, in that case, to acquaint him that such an act could not be viewed in any other light than as inimical to the cause of his legitimate Sovereign, and in favour of the unjust pretensions of Napoleon Buonaparte, and that it would therefore be necessary to insist on a measure of which it was hoped he would have seen the expediency.

Should the said Ships arrive I shall immediately send an account of it to their Lordships, and without such a change of affairs in France should previously take place as to remove the objection which now exists to their proceeding to that Country, it is my intention to detain them here until I am acquainted with their Lordships' pleasure as to their future movements, and I trust my motives for so doing will be approved, and justify me to their Lordships for taking upon myself this responsibility. I have &c.

(Signed) CHAS. TYLER, Vice Admiral.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the Paper Money stamped and signed according to the Proclamation of the 8th instant, to the amount of Rds. 20,000, has been placed in the custody of F. Dashwood, Esq., His Majesty's

Receiver General, in order to be exchanged for an equal sum of worn-out and defaced Money, which is also in the hands of said Receiver General.

And whereas Landdrost and Heemraden of Stellenbosch have repaid to the Colonial Treasury the sum of Three Thousand Rds. being the tenth instalment of the sum of 75,000 Rds. which has been created and advanced by the Batavian Government in the year 1804, for the special purpose to repair the damages occasioned by a fire in that Village, and which Money was to be repaid by instalments of 3,000 Rds. per annum, and publicly destroyed, as directed by a Proclamation of the Governor and Council of the 30th September 1804.

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal, Robert Hill, Esq., Deputy Commissary General, together with two Members of the Court of Justice and two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the office of Revenue, on Wednesday morning the 5th July next, at 10 o'clock, and that they do then and there receive from F. Dashwood, Esq., His Majesty's Receiver General, the above-mentioned sums of 20,000 Rds. and of 3000 Rds., and after examining the same, that they do in their presence in the Court-Yard of the Castle, cause the same to be publicly burnt and destroyed; and in case the examination of the several Pieces of Money, which constitute the above sums of 20,000 Rds. and 3000 Rds. cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed, that the several Persons abovementioned, do sign two Certificates of their proceedings herein in the English and Dutch Languages, to be drawn up and prepared by Mr. S. V. Cloete, Clerk in the Colonial Secretary's Office, (assisted by the Sworn Translator to the Government), under the direction of the Fiscal, one of which Certificates is to be delivered to F. Dashwood, Esq., as his discharge of the sum of 23,000 Rds. with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice by the Fiscal and the Members thereunto belonging, at the next meeting, after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within fourteen days after the

lodging of such Certificate above-mentioned, that they do pass a Public Act under their Hand and Seal of the Court, certifying and declaring all their proceedings, which have been held and have taken place with regard to the stamping and signing of the several Pieces of Money as expressed in the Proclamation of the 8th instant, as also of the exchanging and destroying of worn-out and defaced Paper Money equivalent thereto, annexing to or including in such their Act, authentic Copies of the several Certificates lodged, as directed in their Records, which Public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises.

For all which, this shall be to all concerned a full and sufficient Warrant and Authority.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of June, 1815.

(Signed) C. H. SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 3rd July 1815.

MY LORD,—I take the liberty of submitting to Your Lordship's consideration the expediency of moving the Lords Commissioners of the Admiralty to authorise the Admiral or other Naval Officer commanding on this station to communicate to the Governor of this Settlement pro tempore the intended sailing of any of His Majesty's ships for England or any of the British Settlements in due time to prepare his official correspondence.

I have the honour to enclose to Your Lordship Copies of Letters between the Admiral at present commanding on this Station and myself on this subject, by which Your Lordship will perceive that although the Naval Officer commanding on this Station may from courtesy give such intimation, yet that, agreeable to the existing Instructions from the Admiralty, the Governor here has no claim to information so important to the public service.

In many cases I certainly have experienced this compliment

from Sir Charles Tyler, but frequently at so late a period that I have not had time to prepare my dispatches.

In the instance of the *Thais*, when the information was peculiarly important I was kept totally ignorant of it, and it came out in conversation only with Sir Charles Tyler, that she *had* sailed.

The intended sailing of the *Chesapeake* in the early part of last month was also entirely concealed from me, and I knew nothing of such an intention until I learnt by signal that she *had* sailed.

The loss of opportunities of this nature may on some occasions prove most injurious to the public interests. I, therefore, trust your Lordship will coincide with me on the expediency of such a measure.

These communications may at all times be considered confidential, although Sir Charles Tyler in his letter of the 30th June 1815 uses the term "making it public." I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Extract from a Letter from LORD CHARLES SOMERSET to
THOMAS COURtenay, ESQRE.*

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 4th July 1815.

"I have the greatest pleasure in acquainting you, that the *Providence* has arrived safe with the whole of the cattle, horses, sheep, seeds &c., in the best possible order, which, as the transport had a very long passage, proves that the master, Mr. Spoor, merited the character given him by the Transport Board, and that he paid the greatest attention to the animals under his charge. I am therefore to beg that you will communicate my satisfaction on this head to the Commissioners of the Transport Service."

[Copy]

*Letter from LIEUTENANT MERES to ALEXANDER
MACLEAN, ESQRE.*

TRANSPORT DEPARTMENT,
CAPE OF GOOD HOPE, 6th July 1815.

SIR,—It is with extreme regret I have to communicate to you, for the information of the Hon'ble Board that the *Arniston* Transport was unfortunately wrecked near Cape Lagullas on the afternoon of the 30th May; and out of near 350 persons on board, only the carpenter's mate and five seamen were saved. This distressing account from the interior did not reach Cape Town till the 17th June. For further particulars I refer you to the inclosed narrative taken from the survivors on that melancholy event.

I have etc.

(Signed) J. MERES, Lt. R. N. and A. T.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, July 6th 1815.

MY LORD,—I have had the honor to receive your Lordship's dispatch of the 10th March 1815, in which your Lordship informs me that it has been intimated to your Lordship that I had expressed an intention of drawing my Salary as Civil Governor of this Settlement from the date of the Commission under which I hold that appointment. From whom your Lordship received that intimation I am ignorant, but I feel it incumbent upon me to declare that I never expressed such intention directly or indirectly, neither was it ever in my contemplation, I do assure your Lordship, to receive any Emolument but that to which I was most strictly and conscientiously entitled.

When your Lordship informed me that His Royal Highness the Prince Regent had been graciously pleased to entrust the Government of this Settlement to my hands, I waited on Mr. Goulburn to inform myself on many points respecting it, and as I

found that my outfit would be considerably expensive it became necessary, in order to enable me to make some arrangement on that head, to ascertain from what period my Salary would commence.

In a few days I received a letter from Mr. Goulburn giving me information on the several points in question, and on that relative to my Salary, he uses these words: "with respect to the rate of Salary to which you will be entitled previous to your arrival, Lord Bathurst feels it impossible to deviate from the general rule which has, as far as he can discover, been adhered to strictly ever since its establishment, that the full Salary of Persons holding Colonial Situations commences only on the day of their arrival in the Colony, and that during the period which elapses between the date of their appointment and their arrival, they receive only one half of that Salary."

I came here therefore My Lord with no intention and under no expectation of receiving more than half my salary until the period of my arrival, but as Mr. Goulburn had under your Lordship's authority referred me to the general usage and made use of the indefinite term "as far as your Lordship could discover," I felt it incumbent upon me, on my arrival here, to enquire what line Sir John Cradock had pursued, whose conduct in the administration of this Government had been held out to me as having merited such marked approbation, and I found that he had received *the whole* of his Salary from the date of his Commission, and that the present Lieutenant Governor, the Hon'ble Robert Meade, had under Sir John Cradock's authority also received the *whole* of his Salary from the date of his Appointment (except a small portion deducted as an allowance to the Commandant of the Garrison of Cape Town), as your Lordship will perceive by the enclosed Memorandum from the Colonial Office. I conceived I could not err in following the two precedents immediately before me, particularly as I understood from your Lordship that my situation here was in all respects to be precisely similar to that of my predecessor.

I cannot close this dispatch My Lord, without expressing to your Lordship that my feelings are most sensibly hurt that your Lordship should appear to give such ready ear to representations so greatly to my prejudice as those stated in your Lordship's official dispatches of the 14th December 1814 and 10th March

1815 to have been made, without affording me an opportunity of explaining them by referring them to me for that purpose.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 8th July 1815.

MY LORD,—The Naval Establishment of this place having been now entirely removed to Simons Town, in consequence of directions to that effect from the Lords Commissioners of the Admiralty, the building formerly occupied as the Colonial Granary, and latterly as the Naval Hospital, has been again transferred to the Colonial Department, and I have directed its appropriation to its original purpose, which will be of considerable utility to the Colonial Government.

The principal building belonging to the colony still in the occupation of the Naval Department is the house and stores formerly inhabited by the Naval Commissioner, but since my arrival in this Settlement the house has been entirely empty, although the whole of the stores have not been removed from the premises.

I understand that the concurrence of the Navy Board is required for the surrender of these buildings to the Colonial Government, and I wish to impress upon Your Lordship the expediency of moving the Lords Commissioners of the Admiralty to give directions to that effect, as soon as the remaining stores can be conveniently removed.

The situation of these premises renders their occupation by the Colonial Government a matter of some consequence, and of considerable economy; placed close to the sea-shore they are admirably adapted for the Custom Department, and the stores peculiarly appropriate for receiving such Indian goods as remain warehoused here under the new regulations for the export of Indian produce, framed in consequence of the Circuitous Trade Act.

The building purchased by my predecessor Sir John Cradock for the Custom Department about two years since, has not been found sufficiently strong to admit of the upper stores being filled as has been required, a principal wall having given way when the store was only partly filled, and it having been found necessary to cause it immediately to be emptied.

Independent of this circumstance, the premises in question adjoin the public prison which, as I had the honour to represent to Your Lordship in a former dispatch, is of so confined a nature as not in its present state to be a fit receptacle for the numbers which are of necessity, from time to time, crowded into it. Should these buildings, therefore, return to the Colonial Department, it will be easy to enlarge the prison, so as to make it sufficiently capacious for the exigencies of this place at a moderate expence, and thereby save the great cost which must otherwise attend the building an entire new prison.

The present Deputy Comptroller of the Navy, Mr. Shield, will have it in his power to give the fullest information on the whole of this subject, he having inhabited the house in question during his residence in this colony.

With respect to the building now occupied by the Custom Branch, it is conveniently situated for officers' quarters, immediately opposite to the great barracks, and it might either be appropriated to that object and save a large proportion of lodging money now paid to the officers of the corps quartered in those barracks, where there is no accommodation for officers, or it might be sold, and the amount repaid to the fund (established by Lord Caledon for colonial improvements) from which the purchase money was taken. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint a Commission, consisting of the following Gentlemen, with power to put up to Auction, and farm out to the highest Bidder, the Wine, Brandy,

X.

Y

and Beer Licences, for the ensuing 12 Months, commencing the 1st of September.

The Particulars of the Contracts may be seen both at the Colonial Secretary's and Fiscal's Offices.

Names of the Committee :

D. Denyssen, Esq., His Majesty's Fiscal,
F. Dashwood, Esq., Receiver General,
W. J. Klerck, Esq., Collector of Tythes and Transfer Dues, And
J. J. L. Smuts, Esq., Receiver of Land Revenues.

The Auction will be at the Town House, on Monday the 14th of August next.

Cape of Good Hope, 21st July 1815.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th July 1815.

This Return shows 153 officers of all ranks at the Regimental Head Quarters or on detached duty at the Station, and 45 officers of all ranks on Staff employ.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers, and Rank and File of the several Corps serving in the Cape of Good Hope, 25th July 1815.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.					
		Rank and File.					
		Sergeants.	Trumpeters and Drummers.	Present and fit for Duty.	Sick.	On Command.	Total.
21st Light Dragoons	Cape Town	53	10	804	36	98	938
Royal Artillery . .	Do.	6	5	296	13	2	311
Gunner Drivers . .	Do.	3	1	88	3	..	91
Sappers and Miners .	Do.	2	..	12	..	..	12
60th Foot . . .	Do.	54	21	666	10	284	960
83rd Foot . . .	Do.	55	22	822	41	..	863
Cape Regiment . .	Graham's Town	33	19	2	..	750	752
Garrison Company .	Algoa Bay	11	4	11	..	134	145
	Total	217	82	2,701	103	1,268	4,072

(Signed) C. H. SOMERSET, General.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 28th July 1815.

MY LORD,—As it is probable in consequence of an arrangement now in contemplation that a considerable Supply of fresh provisions and other Articles may be wanted for the public Service in the

Island of St. Helena, which it may be adviseable to obtain from the Cape of Good Hope, I am to signify to your Lordship the Pleasure of His Royal Highness the Prince Regent that you are to adopt every measure in your power for furnishing from your Government, with the least possible delay, all such Supplies for which requisitions may from time to time be addressed to your Lordship from St. Helena. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 31 July 1815.

MY LORD,—On the requisition of Rear Admiral Sir George Cockburn or of the Governor of St. Helena, your Lordship will detach part of the Corps under your Command to St. Helena, taking care to select Corps in which there are no Foreigners, and who in your opinion are most to be depended upon for discipline, fidelity, and attention to their duty.

The application which it is most probable your Lordship will receive is for an exchange of the Artillery. Your Lordship will concur in this proposition, taking care however to retain a due proportion of the Royal Artillery at the Cape. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 31 July 1815.

MY LORD,—Herewith I transmit to your Lordship the copy of a letter addressed to my under Secretary by Mr. Byng, late Civil Paymaster in the Settlement under your Lordship's Government, and I am to desire that you will issue to Mr. Byng such part of his Salary as he was during his absence entitled to, up to the

28th October last, being the date of his appointment as Commissioner for Auditing Colonial Accounts. I have &c.

(Signed) BATHURST.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

*Medway, SIMON'S BAY,
CAPE OF GOOD HOPE, 6th August 1815.*

SIR,—I request you will inform the Lords Commissioners of the Admiralty that His Majesty's Ship *Centaur*, with the Ships and Sloop named in the Margin, arrived from Saint *Liverpool*, *Tamar*, *Harpy*. Helena the day before yesterday, after an unsuccessful pursuit of the French Squadron returning to France from the Island of Bourbon. My letter of the 28th of June will explain to their Lordships the motives which induced me to order the detention of these Ships, which however has not taken place; nor has the Squadron, since its sailing, seen or heard anything of them. It is my intention to dispatch the *Centaur* and *Africaine* very shortly for England, and to send the homeward bound India Ships, now collected here, under the protection of that frigate.

You will have been informed, by my dispatches by the *Victor* of my intention not to return to England with the Squadron under my command until I receive further orders from their Lordships, or such accounts with respect to the state of affairs in France as to render the presence of a Naval force on this Station no longer necessary.

Their Lordships will perceive by the enclosed Return of disposition the force which I have now here; and you will be pleased to inform their Lordships that I am induced to keep so many Vessels in order to be prepared to afford convoy to the increasing Trade from India, which I shall continue to do while there is any apprehension of danger to the Trade from the expected War with France. I have &c.

(Signed) CHAS. TYLER.

[Copy.]

*Letter from LORD CHARLES SOMERSET to MAJOR GENERAL
SIR HENRY TORRENS.*

CAPE OF GOOD HOPE, August 7th 1815.

SIR,—Colonel Graham of the Cape Regiment having returned to this Colony, I take the liberty most humbly to submit to the consideration of His Royal Highness the Commander in Chief the expediency of placing that Officer on the Staff as Colonel.

The very extended line of Posts occupied by the Cape Regiment and the other Troops on the Frontier of this Settlement, which will be placed under the immediate command of Colonel Graham, will render his duties peculiarly laborious and harassing, and will in many instances incur expenses not incident to the ordinary duties of a Commanding Officer of a Regiment. These circumstances will, I trust, appear to His Royal Highness a just plea for recommending Colonel Graham to be employed on the Staff as Colonel.

I beg most respectfully to be allowed to remark too Sir, that until I received in January last a notification of the Brevet that had recently taken place, three Major Generals—Major Generals the Hon. R. Meade, William Cockell, and Joseph Baird—were employed on the Staff of this Army; at present there are only two. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, August 9th 1815.

MY LORD,—The Dispatches which Your Lordship did me the honor to address to me on the 30th July 1814 and 9th of May 1815 relative to Colonel Graham evince to me so unquestionably that Your Lordship takes an interest in the welfare of that officer, that I trust it is scarcely necessary for me to apologise to Your Lordship for taking the liberty of enclosing (confidentially) to you the copy of a letter I have addressed to Sir Henry Torrens relative

to placing Colonel Graham on the staff as colonel, on the frontiers of this Colony.

I earnestly solicit Your Lordship's interest with His Royal Highness the Commander in Chief in forwarding this recommendation.

In Your Lordship's dispatch No 11 (above alluded to) Your Lordship suggested that I should, upon public grounds, replace Colonel Graham in the situation of civil commissioner on the frontiers of this Settlement; but as that appointment was created in order to give Colonel Graham (then senior military officer on that station) an authority over the civilians (commandos) called at that time to arms to repel the Kaffers, and as tranquillity is now entirely restored and the commandos dismissed, there is at present no plea whatever for renewing that appointment.

I have taken the liberty My Lord to enter into this detail in order to account to Your Lordship for having adopted the present mode of being useful to Colonel Graham in lieu of the one suggested by Your Lordship in your dispatch No 11. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 10th August 1815.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's Dispatch No. 29 under date 9th May 1815.

I beg to assure Your Lordship that I most fully appreciate the services of Colonel Graham at the Cape and in Europe, and shall rejoice in any opportunity of meeting the wishes Your Lordship has expressed in favour of that Officer.

I am concerned to state that not being aware of Your Lordship's wishes respecting the Rietvalley Farm, it was relet for seven years, from the 1st of April last, to Andries Bester (the late occupant) on the terms (to Government most advantageous) of 2,400 Rds. annually, with an obligation on the Tenant to put the whole of the Buildings in thorough repair, which will incur an expense of at least 3,500 Rixdollars.

I have stated the circumstance to Colonel Graham, and shall not fail to attend most cheerfully to the wishes he may express relative to any other Farm, and regulate myself by Your Lordship's Instructions upon that head. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of new to replace worn out paper money.

11th August 1815.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 19th August 1815.

MY LORD,—I have had the honour to receive Your Lordship's dispatch No. 30, under date 9th of May 1815, covering one from Mr. Latrobe, Secretary of the Church known by the name Unitas Fratrum. Your Lordship is pleased to remark that you observed with considerable regret any disposition on my part to undervalue the exertions of the Missionary Societies in this Colony.

As Your Lordship has not done me the honour to point out to me what part of my conduct towards those Societies has given rise to those feelings of regret in Your Lordship's breast, it is out of my power to enter into any other explanation on the subject, than to state to Your Lordship what has *really* been my conduct towards those Societies and to enclose to Your Lordship copies of some papers that elucidate and prove it.

I have uniformly given the greatest attention to those Societies, and entered most warmly into their Interests.

What misrepresentations may have induced Mr. Latrobe to apply to Your Lordship for succour, or what still greater misrepresentations (purposely to mislead Your Lordship respecting my conduct and induce you to a belief that I had a disposition to

undervalue the Services of the Moravian Missionaries) may have been made, I know not. I must observe, however, that throughout the whole of Mr. Latrobe's letter, he cautiously avoids stating the *grounds* which have excited his alarm.

I have the honour to enclose to Your Lordship the copy of a letter which I caused to be written to the Moravian Brethren at the Groene Kloof on the 8th of September 1814, the result of my personal observations at that Institution, and I must state to Your Lordship that my knowledge of that Society is not a cursory or superficial one. I have visited it not once, but very repeatedly, and it was matter of sincere regret that I found it so very far inferior to that excellent Institution of which it is a Branch, at the Baviaans Kloof.

My object, My Lord, has been, not to check the Exertions of the one, but to assist and raise the other to an equal degree of perfection. At the Baviaans Kloof I found Industry and Morality, and their consequent results, happiness and contentment prevailing throughout. At the Groene Kloof Your Lordship will perceive by the contents of the Deputy Secretary's letter of the 8th September above alluded to, it was far otherwise. I should, however, do an injustice to Mr. Smits, who presides, if I did not state my personal good opinion of him, and very particularly also of his wife, (whose services are very laudably and ably devoted to the Instruction of the younger females of the Society). In that letter I expressed, My Lord, what I felt and what I considered would rather have excited Exertions than be perverted into a check to their Endeavours.

Finding this Institution so very inferior to its other Branch at the Baviaans Kloof, I proposed to unite them, but that measure not being consonant to the feelings of those who conduct it, I abandoned it, and have sought by frequently visiting them, giving employment to them, and endeavouring to awaken them to habits of Industry, to place them more upon a footing with the Society at the Baviaans Kloof.

If Your Lordship's regret on this subject arises from my not having made a grant in perpetuity of the land occupied by the Society at the Groene Kloof, I must beg to observe to Your Lordship, that the Groene Kloof is held upon conditions precisely similar to those under which the Baviaans Kloof is held, and that I have only pursued the Track marked out by those who preceded

me. The difficulties connected with this subject are not of my creating or suggesting. So late as July 3rd 1812 my Predecessor Sir John Cradock thought it advisable to refuse an application on the part of the United Brethren to build a Chapel at the Groene Kloof, stating that they *had already been apprized of the difficulties attending the alienation of the Government Farms which they provisionally and experimentally occupied, and which, under the existing circumstances of the Colony, could not be removed.*

I am not aware, My Lord, that any circumstances have since occurred to alter the relative situation of the Parties, the difficulties which occurred to Sir John Cradock still exist, and which I take the liberty of briefly recapitulating.

1st. The nature of the property of the Groene Kloof Farms which, having been the residence of the Dutch Governor, would be esteemed resumable, provided this Colony had been restored to the Mother Country, and our Government thereby made the innocent means of deceiving the Missionaries. I am informed every such Grant was actually resumed by the late Batavian Government in 1803, altho' grants of Waste Lands were held sacred.

This objection may not now exist, but the 2nd and more permanent one does exist in full force. The power of the Governor to create a new species of Mortmain and to divest the Crown of the transfer duty, in point of effect, a Grant to the Brethren, necessarily implies the creation of a Trust not in a Chartered Body, which I am informed by professional Gentlemen whom I have consulted would be productive of great trouble and inconvenience, and I much fear would prove highly unsatisfactory either to the people or their clergy. No real improvement could be expected either in Buildings or Cultivation without a permanent tenure, and as wealth and property produce education the present inequalities between the people and their spiritual Guides will cease, and a greater spirit of independence will grow in the Community, consequently if their properties are made permanent, the clergy will lose their present uncontrolled influence, and if, on the contrary, for offences merely spiritual, or a difference in religious opinion, or any other schism whatsoever, the people are exposed (as at present) to lose their lands and tenements, a new imperium is created in imperio, and for the purpose of supplying the deficiencies of a Magistracy, a power

greater than the Crown exercises is vested uncontrolled in the Missionary Institutions. At present all being vested in the Government produces a wholesome visitorial power, which never has been harshly exercised, and an appeal lies to the Governor for the time being, from *either* party considering themselves aggrieved.

Your Lordship will perhaps, therefore, do me the honour to point out, how that which Sir John Cradock considered impracticable can now be accomplished, and will also obtain an opinion from the Law Officers of the Crown as to whom the grant *can* be made. The Society comprises no corporate Body, and I am not aware, therefore, in what form a Grant can *legally* be made.

At the same time I feel it incumbent upon me to make Your Lordship aware that the Groene Kloof comprises the only Timber and Wood between Cape Town and Saldanha Bay, and that it never has been the intention at any period to alienate what is so material to this Government, these woods being in the centre of the most valuable farms which it still retains and from which great rent is derived to the public.

In proof of the Earnestness of my Endeavours on all occasions to encourage and promote the cause of the Moravian Missionaries here, I have the honour to transmit to Your Lordship copies of papers by which Your Lordship will perceive that I have added 3,612 Morgen (7,224 acres English) to the lands occupied by the Society at Baviaan's Kloof, and so anxious have I been to aid this Society, that to enable me to appropriate this land to its use, I gave each of the proprietors (P. H. Morkel, Widow Grobbelaar, and Widow Gildenhuisen) a double portion of land on the other side of their respective places, to induce them to relinquish that which was contiguous to and desirable for the Baviaans Kloof.

Upon the subject of the Missionary Establishments in general in this Settlement, I purpose at a future opportunity to address Your Lordship at length. I will not, therefore, trespass on Your Lordship's time by any further detail at present, but leave it to Your Lordship's candour to decide whether I have been deficient, or not, in my Endeavours to give due aid to the cause of Morality and Religion in this Colony through the medium of these Missionaries, and whether those who would have led Your Lordship to believe I had been so, have misrepresented me or not.

I cannot, My Lord, close this dispatch, without expressing a Hope that my disposition and my conduct are before this better understood. I may possibly have left too much to time, and a pride (which I hope is an honest one) has prevented my condescending to vindicate myself from anonymous calumnies.

If an accuser appears, I trust Your Lordship will believe I most anxiously court Enquiry. To a calumniator I can only oppose my own Honour, my Truth, what I owe to my Family and to my Country.

I trust Your Lordship will excuse these Expressions of personal feeling, but had I been guilty of what I hear has been imputed to me, I should feel myself unworthy of Your Lordship's protection or of the high Trust reposed in me by His Royal Highness the Prince Regent. At this distance I can only judge of the Extent and (I fear systematic) malice of the calumny, and trust to Your Lordship to protect me against its impression.

Under any circumstances I cannot receive Expressions of Your Lordship's disapprobation of my conduct, without experiencing the most painful Sensations. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 22nd August 1815.

MY LORD,—I have the honour to inform Your Lordship that Mr. Burchell, who has been exploring the interior of this Settlement, has discovered a description of orchilla weed which is likely to become an object of some commercial importance, and as the encouragement of every additional means of creating an export from hence is of the utmost moment to the welfare of this Settlement, I beg to call Your Lordship's attention to this subject, in order that Your Lordship may consider whether it would be prudent to recommend a reduction upon the importation of this article into England from hence, so as to give it a preference in the markets over the orchilla weed now imported from the Portuguese or Spanish Settlements; such a reduction of duty being

even necessary to put the import from this Settlement upon a par with those who have a much shorter and consequently less expensive voyage to perform. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, August 23rd 1815.

MY LORD,—The detention of the fleet about to sail for England tomorrow has enabled me to transmit to Your Lordship a correspondence with Colonel Graham respecting the Riet Valley Farm, which has taken place since I had the honor to address Your Lordship on that subject on the 10th instant, No. 34, in which I had the honour to inform Your Lordship that I had let the farm in question from 1st April last for 7 years to Andries Bester on (to Government) the advantageous terms of 2400 Rds. per annum exclusive of an obligation on the tenant to make expensive repairs to the two houses and out-buildings belonging to that estate.

I have the honor to transmit to Your Lordship a copy of the lease alluded to by Colonel Graham, and I beg to assure Your Lordship that I shall receive with the greatest pleasure any instructions favorable to the wishes expressed by Colonel Graham in his letters to Mr. Alexander dated 16th and 22nd Inst. with which Your Lordship will honor me. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, August 23rd 1815.

MY LORD,—I am honored with Your Lordship's dispatch No. 28, and take the liberty of referring Your Lordship to my dispatch No. 18, containing a List of the grants on perpetual Quit-Rent

made by me between the 5th of April and 31st December 1814. I again enclose the same List in the manner pointed out by Your Lordship, and to render it more perfectly intelligible take the liberty of referring Your Lordship to the very voluminous information collected by the directions of Lord Caledon, and transmitted to the Colonial Office by his Successor Sir John Cradock, and the full and ample letter of Sir John Cradock dated 23rd August 1813 accompanying the same, in which he lays down the principles upon which he should regulate his conduct upon the future grants of land.

I also refer Your Lordship to your dispatch of the 18th February 1814, in which you approve of the suggestions of Sir John Cradock. I must also observe that many of these applications were made to Sir John Cradock, which, upon assuming the Government, I found in progress. It may be necessary for me shortly to state the mode I pursue in the granting of lands at the Cape: Any individual who considers he can advantageously cultivate land, petitions me by Memorial for the grant of the land, which Memorial sets forth the grounds of the application. If no objection appears on the face of the Memorial, and the person is of good character, the application is referred to the Landdrost and Heemraaden of the District in which the land lies, with a printed form herewith enclosed, in order that they may report thereon.

In cases in which partiality or undue influence may be suspected, I refer it to special Commissioners, or to the Inspector of the Government Lands and Woods; upon receiving their report and diagrams of the land petitioned for, I generally refer such reports and valuation to the Inspector of Government Lands and Woods, and after borrowing from him all the information in his power to give, make my decision. When lands lie contiguous to the Town, or are requested at the same time by more than one Individual, or otherwise have a very valuable quality, I almost invariably put them up to public auction.

Subject to this mode of proceeding, I have directed more observations than a column would admit of, to be made in a paper which follows the first paper numerically, as will appear by comparison, and in addition to Your Lordship's head of observations in the form sent to me, it contains in three columns the valuation of the Landdrost and Heemraaden, the valuation of the Inspector of Lands, and the ultimate decision of the Governor, made by me

after communication with the Colonial Secretary, Mr. Alexander, the Deputy Colonial Secretary, Lieut. Colonel Bird, and such other of the best local information I can obtain. Every application for land, every reference made to the different authorities upon the subject are carefully recorded, as well as the diagrams of the grants are regularly copied and registered in the Colonial Secretary's Office, so that if any grant strikes Your Lordship as requiring information, all papers connected can be immediately sent to you; but very frequently the grant is founded on a long correspondence with which I shall not feel it necessary to trouble Your Lordship, unless particularly directed by Your Lordship.

The fourth paper herewith transmitted contains a list of the Government Farms, as distinguished from the Waste Lands in the Colony. Your Lordship will observe that I have only granted two leases of them, one by public auction for 21 years, the other by a lease of seven years. The Government Surveyor (in order to enable us to make a more equal division of them according to the supply of water) has been, and is, employed in measuring and mapping off the remainder of those farms, which I have rented for one year, before the expiration of which term I hope he will have completed his survey, and then my intention is to rent them *in leases for ever* by public auction to the highest bidder. I have &c.

(Signed) CHARLES HENRY SOMERSET.

The Enclosures are not given, as they are lengthy and of no interest now.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE Town, August 24th 1815.

MY LORD,—I am anxious to introduce to Your Lordship Mr. Kuster, one of the most leading members of the Moravian Missionary Institutions in this Settlement.

Mr. Kuster has resided since February last at the Groene Kloof, and previous to that nearly 8 years at the Baviaans Kloof. There cannot be a more respectable man, neither is there anyone more justly respected, and he is thoroughly qualified to give Your

Lordship the fullest and most minute information respecting those establishments. I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from REAR ADMIRAL COCKBURN to J. W. CROKER, ESQRE.

H.M. SHIP *Northumberland*,
OFF MADEIRA, 24th August 1815.

SIR,—I beg you to acquaint my Lords Commissioners of the Admiralty of my being thus far on my Voyage to St. Helena with the whole of the Squadron which sailed from England under my orders (the *Peruvian* having rejoined me from Guernsey off Cape Finisterre). General Buonaparte and his suite have hitherto preserved their Health, and appear as much reconciled and submit to their fate with as good grace as I could have expected.

I am &c.

(Signed) G. COCKBURN.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning worn out paper money.

1st September 1815.

[Copy.]

Government Advertisement.

As the importation into England of East India Goods from this Place, by private Merchants, is now permitted, His Excellency the Governor has directed the publication of the following Act

of Parliament, which grants further facilities in these transactions to the Merchants in question, for general information.

Cape of Good Hope, 1st September 1815.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

Anno Quinquagesimo Quinto Georgii III Regis.

Cap. X.

An Act to make further Provision respecting the Duties payable upon East India Goods, and to allow Bond to be given for Payment of the Duties upon such Goods, when imported by private Traders. 1st December 1814.

Whereas it is expedient to make further Provision for ascertaining and collecting the Duties imposed upon East India Goods by an Act passed in the last Session of Parliament, intituled An Act to repeal the Duties of Customs payable on Goods, Wares, and Merchandise imported into Great Britain, from any Port or Place within the Limits of the Charter granted to the United Company of Merchants of England trading to the East Indies, and to grant other Duties in lieu thereof; and to establish further Regulations for the better Security of the Revenue on Goods so imported; and to alter the Periods of making up and presenting certain Accounts of the said Company to Parliament; to continue in force until the Tenth Day of April One thousand eight hundred and nineteen; to exempt the Proprietors from paying the new Warehousing Duties, and to reduce the Amount thereof in certain Cases; and to allow the East India Company to give Bond for Payment of the Duties upon Goods, Wares, or Merchandise imported into the Port of London by Private Traders, in the same Manner as for Goods, Wares, or Merchandise imported on their own Account; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Warehousing Duties imposed by Table (A) of the said recited Act shall be charged upon all such Goods, Wares, and Merchandise, as are therein enumerated or described, which shall have been

or which may hereafter be imported into Great Britain by the said United East India Company, or by Private Traders from any Ports or Places from whence such Goods, Wares, or Merchandise may lawfully be imported, and which shall have been or may be sold at their Sales, either before or after the Tenth Day of April One thousand eight hundred and fourteen; and such Duties shall be paid by the said United East India Company, or secured by their Bond in the Manner directed by an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled An Act for permitting certain Goods imported from the East Indies to be warehoused, and for repealing the Duties now payable thereon, and granting other Duties in lieu thereof; and in Cases where the said Duties are charged not according to the Weight, Tale, Gauge, or Measure, but according to the Value of such Goods, Wares, or Merchandise, such Value shall be ascertained according to the gross Price at which such Goods shall have been or may be sold at the Public sales of the said Company without any Deduction or Abatement whatsoever; any Thing in the said first recited Act or any other Act or Acts of Parliament to the contrary thereof notwithstanding.

II. Provided always, and it is hereby further enacted, That in Cases where any such Goods, Wares, or Merchandise (except Indigo) sold at the East India Company's Sales on or before the Tenth Day of April One thousand eight hundred and fourteen, shall have been cleared from the Warehouses on or before the First Day of August One thousand eight hundred and fourteen, no other Warehousing Duties than were due prior to the Tenth Day of April One thousand eight hundred and fourteen shall be held or be deemed to have been due and payable thereon; and where any Goods, Wares, or Merchandise, remaining in the Warehouses after the First Day of August One thousand eight hundred and fourteen, shall be cleared before the First Day of April One thousand eight hundred and fifteen, the same shall be charged with the Difference only, (where such Difference shall be an Excess, and not otherwise) between the amount of the Warehousing Duties already paid or secured on such Goods, Wares, or Merchandise, and the new and additional Warehousing Duties chargeable thereon by the said recited Act of the last Session of Parliament, and no other Warehousing Duties; but any such Goods, Wares, or Merchandise which shall not be so cleared, shall

be also subject and liable to the full Amount of the Warehousing Duties imposed on such Goods, Wares, or Merchandise in the Table (A) of the said recited Act of the last Session of Parliament, in Addition to any former Duties paid or payable thereon.

III. And be it further enacted, That Indigo sold at the Sales of the said United East India Company at any Time before the said Tenth Day of April One thousand eight hundred and fourteen, and which shall have been delivered from the Warehouses either for Exportation or Home Consumption after the said Tenth Day of April One thousand eight hundred and fourteen, or delivered from the Warehouses after the passing of this Act, shall not be subject to the Duties charged thereon by the said recited Act of the last Session of Parliament, but shall be deemed and taken to be subject and liable to all the Duties which would have been paid thereon if the same had been delivered from the Warehouses at the Time of the Sale of such Indigo, and no other; any Thing in the said recited Act to the contrary thereof in anywise notwithstanding.

IV. And be it further enacted, That all Goods, Wares, and Merchandise imported into Great Britain, whether by the Company or Private Traders from Ports and Places within the Limits of the Charter of the said United Company, which shall have been sold at their Sales since the said Tenth Day of April One thousand eight hundred and fourteen, although imported before that Day, shall (except as herein before provided) be charged with the Duties imposed by the said recited Act, and no other.

V. And be it further enacted, That before any Goods, Wares, or Merchandise imported into the Port of London by any Private Traders, under the Authority of an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter, and which are not intended to be sold at the Sales of the East India Company, shall be lodged in any Warehouse or Warehouses without Payment of the Duties, the Proprietor or Proprietors shall give Bond unto His Majesty, His Heirs and Successors, in a

Penalty equal to double the Amount of the said Duties, with Condition for Payment of the same before the Delivery of the said Goods, Wares, and Merchandise, from the Warehouses wherein the same shall be deposited under the Authority of the said last recited Act, and at the Times and in the Manner required by an Act or Acts of Parliament in force on or before the Tenth day of April One thousand eight hundred and fourteen: Provided always, that it shall be lawful for the said United East India Company, upon the application of the Proprietor or Proprietors of such Goods, Wares, or Merchandise, to give Bond for the Duties payable thereon, at the Times and in the Manner directed by the said recited Acts of the last and present Session of Parliament, as to Goods imported by or on account of the said Company; and such Bond shall be in lieu of that herein before required of the Proprietor or Proprietors of such Goods, Wares, or Merchandise.

VI. And be it further enacted, That in all Cases where any of the Goods, Wares, or Merchandise, enumerated or described in the Table (B) of the said recited Act of the last Session of Parliament (except Indigo sold at the Company's Sales before the Tenth day of April one thousand eight hundred and fourteen) shall be entered for Home Consumption, the Proprietor or Proprietors shall pay the Duties respectively charged thereon by the said Table (B), although such Goods may have been imported and sold at the Company's Sales before the Tenth Day of April One thousand eight hundred and fourteen, or have been imported and sold before the passing of this Act.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 7th September 1815.

MY LORD,—I have the honor to transmit for your Lordship's information, the Copy of a Letter addressed to my Under Secretary by Command of the Lords Commissioners of the Treasury, notifying the Appointment of Assistant Commissary General Hayward to the Account Department at the Cape of Good Hope.

I have etc.

(Signed) BATHURST.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

CAP^E OF GOOD HOPE, 7 September 1815.

SIR,—For their Lordships' information I beg leave to enclose the Narrative of the Loss of the *Arniston* Transport on the 30th of last May off Cape Lagullas on her passage from Ceylon to the Cape. It appears to have happened thro' total Ignorance, for had they sounded they must have known they were not to the Westward of the Cape, as they imagined. I am etc.

(Signed) CHAS. TYLER.

[Enclosure in the above.]

A distinct Narrative taken from the Surviving Crew, relative to the loss of the *Arniston* (Transport) wrecked near Cape Lagullas on the evening of the 30th May 1815.

Charles Stewart Scott, late carpenter's mate of the *Arniston* (Transport) and others assert to the best of their knowledge that she sailed from Point de Gall on or about the 4 April, under convoy of His Majesty's Ship *Africaine* and *Victor* Brig, with six Indiamen; about the 26th May parted company from the convoy, owing to stress of weather, having blown away most of her sails, other sails were then bent, but the weather continued very squally with a heavy sea. On the 29th about 7 A.M. the land was discovered right ahead, bearing about N. by W. a long distance off, the wind then S.S.E., about $\frac{1}{2}$ past 4 P.M. still blowing very strong, hauled to the wind on the larboard tack, under a close reefed maintopsail, and stood on till $\frac{1}{2}$ past 2 A.M. on the 30th, then supposing the land seen was near Table Bay, the hands were turned up, bore up, steering N.W. and set the fore sail, intending to run for St. Helena, continued on till 10 A.M., when the land was discovered nearly ahead, turned the hands up, and hauled the ship close to the wind on the larboard tack, still blowing very hard. Made all sail (having topsails and courses set), stood till near noon, when breakers were discovered on the lee bow. Wore

ship, and hauled to the wind on the other tack, stood on till 2 P.M., then wore, and hauled to the wind on the larboard tack, continued on till near 4 o'clock, when breakers were seen, called Lagullas reef, which we could not weather on either tack, (being completely embayed), clewed up the sails, and cut away three anchors, the two bower cables parted shortly after, when Lieutenant Brice (agent for transports) recommended the captain to cut the sheet cable and run the ship on shore, the only chance of saving the people's lives, the cable was then cut, and the ship put before the wind, in about eight minutes after she struck forward, the ship heeling to windward, cut away the guns in order to heel her the other way, which could not be effected, consequently she soon began to break up. About eight o'clock the masts went, and the ship in a very short time was quite in pieces, many people were drowned below, in consequence of her heeling to windward, and others clung to the wreck, endeavouring to reach the shore, about one mile and a half distant. Out of the whole crew, consisting of near 350 persons, only six men reached the shore with difficulty upon planks, being much bruised by the wreck and surf, which was very high. At daylight the next morning the stern post was the only part of the ship to be seen, the beach was covered with wreck, stores, &c., and a number of dead bodies, who were buried by the survivors, among whom was Lord and Lady Molesworth, the Agent, and Captain, with several children. On the next day, 1st June, considering ourselves to the westward of Cape Point, it was agreed to coast the beach to the eastward, which we continued to do for four days and a half, subsisting on shell fish from off the rocks, but fearing we had taken a wrong direction, it was agreed to return to the wreck, and we accomplished it in three days and a half, where we remained six days, subsisting chiefly on a cask of oatmeal which had drove on shore, by drying it in the sun we experienced great relief.

The Pinnace had been thrown on shore bilged, which we proposed to repair in the best manner, and endeavour to coast along shore, at that time, the 14th of June, being at work on the boat, we were fortunately discovered by a farmer's son, John Swarts (who was out shooting), and humanely carried us to his father's house, where we remained with every comfort he could afford us for a week, and then set off for Cape Town, where we arrived on Monday evening the 26th June.

Before we left the country we were informed that 331 bodies thrown on shore, had been interred near the beach.

(Signed) CHAS. STEWART SCOTT and Party.

This declaration was made before me in Cape Town, this 27th day of June 1815, of which this is a true copy.

(Signed) J. MERES,
Lieutenant R.N., Resident Agent for Transports.

[Original.]

Letter from the REVEREND C. I. LATROBE to EARL BATHURST.

NEVIL'S COURT, FETTER LANE, September 11th 1815.

MY LORD,—The condescending attention which Your Lordship has shown in the case of the missionary settlements of the United Brethren at the Cape of Good Hope, particularly of that at Groenekloof, while it calls forth the warmest gratitude of our whole church towards Your Lordship and the Government, under whose protection we live, emboldens me to lay once more before you the humble petition of the missionaries at Groenekloof, that they may be permitted to build a chapel for the use of their encreasing congregation.

Sir John Cradock, on their application to him, not being at that time acquainted with the nature of the terms upon which they held Groenekloof, advised them to apply to the Government at home. Your Lordship was pleased kindly to attend to my memorial on the subject, of November 4th 1813, and to direct, that the Establishment at Groenekloof "should be placed on a similar footing with that at Gnadenthal in Bavianskloof." Sir John Cradock then made enquiry respecting the security of the lands at Bavianskloof, but could not find any documents relating to the first occupation of that place by the missionaries in 1792, tho' it was by the express command of the Dutch Governor, and by authority from the Dutch Government at home, that the missionaries took possession of the place occupied by the first missionary of the Unitas Fratrum sent to the Hottentots in 1737. Their right of possession however was never disputed, and

additions by the British Governors were made, as the encrease of the settlement required.

Sir John Cradock also, shortly before his departure and in consequence of Your Lordship's approbation, ordered a farther grant of 1000 acres for the benefit of the Christian Hottentots.

As to Groenekloof, he considered Mr. Van Ryneveld's letter, written by command of the Earl of Caledon, a copy of which I had the honor to transmit to Your Lordship, sufficient security for the permanent occupation of Groenekloof by the missionaries.

Your Lordship's kindness in sending special directions regarding this settlement, to his Excellency the present Governor, removes indeed every doubt from our minds respecting the continuation of the establishment, but having been commissioned by the Synodal Committee managing the affairs of our church to visit the missionary settlements at the Cape, I venture to appear before Your Lordship with an humble request, that you would permit me to convey to our missionaries at Groenekloof your express leave for them to build a Chapel for the use of their encreasing Hottentot congregation, as likewise an order for the restoration of the free use of the wood belonging to the premises particularly mentioned by the Earl of Caledon's command in Mr. Van Ryneveld's letter of December 22nd 1807, as an inducement to them to occupy Groenekloof, and as being serviceable for building and other purposes, but which has lately been taken from them.

The inhabitants of Gnadenhal in Bavianskloof having encreased to upwards of 1300, both the Earl of Caledon and Sir John Cradock suggested that it would be better, if more settlements were formed, and not too many Hottentots stationed in one spot. The Synodal Committee have therefore left me to consult with the Government and the Missionaries on this subject, and as offers of land have formerly been made for that purpose, I humbly request Your Lordship, if perfectly consistent with your views, to recommend, that some place, hitherto unoccupied, but affording facilities for forming a settlement, may be selected and given to the Mission, with such privileges as have been conceded to the two settlements now existing.

And though I feel already ashamed at the number of favours I have presumed to ask, I cannot help adding one more, that Your Lordship would declare the missionary settlements of the United Brethren at the Cape exempt from the quartering of dragoons and

other soldiers, a measure highly injurious to the establishment, but which has been proposed by the present authorities.

With the deepest sense of our high obligations to Your Lordship for the many favours already conferred upon us, and which will never be forgotten, and craving your forgiveness for the freedom, with which I venture to lay our case before you, I am etc.

(Signed) CHRISTIAN IGNATIUS LATROBE,
Secretary of the Unitas Fratrum.

[Original.]

*Letter from the REVEREND C. I. LATROBE to
HENRY GOULBURN, ESQRE.*

11th September 1815.

SIR,—You have, no doubt, received the letter I had the honour of addressing to you on the 1st of August from Fulner in Yorkshire, to thank you for your obliging communication of July 24th. I am ashamed to trouble you again with a request, to present the enclosed letter to Lord Bathurst.

I fear I have comprehended too many subjects in one letter, and beg pardon for any informality I may be guilty of, in thus preferring my petitions :

1. For leave to build a Chapel at Groenekloof.
2. For the restoration of the use of the wood given by the Earl of Caledon.
3. For facilities, if necessary, to divide the large settlement at Gnadenthal, and
4. For an exemption from quartering of dragoons upon our settlements.

How happy should I be, and with what ease of mind should I set out on my journey to the Cape, if it should seem good to his Lordship and to you, to furnish me with some letter by which the present Governor might be made willing to favour these objects, and like his predecessors to be a friend to the mission.

With full confidence etc.

(Signed) CHRIST. IGN^S LATROBE.

[Original.]

Letter from the REVEREND C. I. LATROBE to EARL BATHURST.

NEVIL'S COURT, FITTER LANE, September 18th 1815.

MY LORD,—Permit me to request the favour of a letter of recommendation to His Excellency the Governor of the Cape of Good Hope, in behalf of some assistants in the Mission of the United Brethren among the Hottentots, who have lately arrived from Saxony and wish to proceed in the brig *Albion*, W. Bishop master, about to sail in a few days to that Colony. They are, Anthony Martin August Clemens, and his wife Helena Amalia Elisabeth; Christian Thomsen and his wife Anna Helena; John George Frederic Stein; and John Lemmertz.

It is also my intention to accompany them on a visit to the missionary settlements of the said church in that country.

By granting this favour, your Lordship will confer an additional obligation on, My Lord, etc.

(Signed) CHR. IGNATIUS LATROBE.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 19th September 1815.

MY LORD,—Your Lordship's letters of the Dates and numbers mentioned in the Margin have been received and laid before The Prince Regent. His Royal Highness directs
8th June 1815. No. 29 me to signify to you His approbation of the
8th " 30 measures you had adopted in compliance with
19th " 31 the wish for Military Aid which had been
expressed by the Governor General of India.

Under the Circumstances represented in your letter No. 30 respecting the Tristan Islands, as they have always been considered Dependencies of the Government of the Cape of Good Hope, and have not been occupied or possessed by any other power, you will consider yourself authorized to take possession of them in the manner you propose, and make such Arrangements as may be necessary for their protection and security, consistent with the strictest economy. I have &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from ADAM GORDON, ESQRE., to LORD
CHARLES SOMERSET.*

DOWNING STREET, 20th September 1815.

MY LORD,—I am directed by Earl Bathurst to introduce to your Lordship the persons named in the Margin, who are about to

Mr. A. Clemens proceed to the Cape of Good Hope as Assistants in
Mrs. Clemens the Mission of the United Brethren among the
Mr. Thompson Hottentots. Lord Bathurst is satisfied that your
Mrs. Thompson Lordship will be disposed to afford them every
Mr. J. Lemmertz facility in your power for furthering the important
Mr. J. Stein objects they have in view, and that it is consequently
unnecessary to give them a more particular recommendation to
your favour and protection. I have &c.

(Signed) ADAM GORDON,
In the absence of the Under Secretary of State.

[Original.]

Memorial of GEORGE FLOWER, ESQRE., to EARL BATHURST.

MARDEN NEAR HERTFORD, HERTS, September 20th 1815.

It cannot be unknown to the British Government that foreign travellers have described the interior of the country adjoining to the Cape of Good Hope, as one to be desired from the fertility of its soil and the salubrity of its climate. But a detail has been given us by one of our own countrymen, Barrow, which far exceeds in authenticity and extent of information any description of foreign authors.

By him we are informed, that a country extending over no less a space than fifteen hundred square miles, endowed with every gift of nature, lies neglected and forgotten. Abundantly watered by numerous streams, the land of South Africa, under the influence of her warm sun, seems to be capable of producing in equal perfection the various productions of the four quarters of the globe.

With this fact before our eyes, shall we longer depend upon the

fluctuating policy of foreign powers for those productions which might be obtained from our own dominions at a rate equally moderate.

Among the articles of great value imported into Great Britain, are fine wool, flax, hemp, wine, and oil. For fine wool alone we annually pay to foreigners upwards of two millions sterling. The quantity of this article imported last year up to January 1815 was no less than 15,712,517 lbs. ; but a very insignificant portion of this was supplied by our own Colonies,

From New Holland	32,971
The West Indies	6,391
British America	79
Cape of Good Hope	19,397
 	<hr/>
Total Colonial	58,838
Total from foreign Nations	15,653,679
 	<hr/>
	15,712,517

New Holland is a settlement at too great a distance from England, ever to be able to export to the Mother Country any considerable quantity of a Bulky commodity.

In the West Indies, the climate and soil are alike incompatible with the production of wool of fine quality.

In British America the increased expence attendant upon an inclement winter, will ever throw it out of competition with a more salubrious clime in the production of fine wool.

The Cape of all others appears to be the most favourable spot to produce this most important article for British manufacture.

To accomplish the end proposed I would suggest that a person, possessing adequate knowledge of the quality of wool, with complete experience in the management of Merino sheep, who is himself possessed of one of the finest flocks in Europe, should be conveyed with a considerable number of his best sheep to the Cape. From such a foundation, it may be found by calculation, that the Colony in about ten years might be able to exchange in the single article of fine wool to the amount of two millions sterling per annum for the manufactured goods of the Mother Country.

For flax we are annually paying to foreigners large amounts. This valuable article might be produced to great advantage. The improved method of preparing that vegetable, would free its

attendant difficulties, and reduce half the expence of freight. This art being wholly unknown to foreign nations, the more speedily it is established in our own Colony the greater will be the advantages resulting from its effects. Those alone who are acquainted with the advantages of the improved method of preparing the flax and the superiority it will give to our linen manufactures can duly appreciate the vast benefits to be derived by the Mother Country from this mode of preparation.

If men of capital, possessing agricultural information, vesting their capital in implements, are placed in the Colony, the object is at once accomplished ; and such men doubtless exist who would be happy to second the views of Government with their capital and information, in so flattering an enterprise.

The same observations are applicable to the growth of hemp. To enter into the detail of the importation of wine and oil would be unnecessary, as it is well known that we pay annually to foreigners large amounts for these important articles of luxury. The climate of the Cape is competent to the production, both of wine and oil in great perfection. From the time that would be necessary to the growth and propagation of the olive, the advantageous effects would be rather more remote, but equally certain. Added to the natural advantages possessed by the Cape, its geographical situation seems to point it out above all others that Britain should be careful to cultivate.

Midway between the Mother Country, her large possessions in the East, her distant settlement of New Holland, and the Empire of China. In the centre of the world she presents an advantageous situation for commerce with the two Americas.

When her internal resources are drawn forth by the hand of industry, when her capital shall begin to ebb and flow between herself and her Mother Country, she will not then be a mere point of rest for ships trading to distant parts of the globe ; but will become the great mart of British manufactures for three fourths of the World.

The writer, impressed with the truth of the above statements, would be happy to lend his aid to carry them into effect ; if Government think them of sufficient importance to offer him a suitable encouragement.

(Signed) GEORGE FLOWER.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

Downing Street, 27th September 1815.

MY LORD,—In consequence of your having represented to me, in your dispatch of the 8th of June last, the expediency of the Governor of the Cape of Good Hope being authorized to forward, on occasion may offer, to New South Wales such Convicts as shall be or may have been condemned by the Colonial Court of Justice to Banishment for Life, I have given Instructions to the Governor of New South Wales to receive any Convicts under Sentence of Transportation that may be sent from the Cape; and I have directed the Transport Board to give the necessary orders to the Masters of such Convict Ships as may touch at the Settlement to receive Convicts of the above description, and convey them to New South Wales, upon a requisition from your Lordship to that effect. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

Downing Street, 6th October 1815.

MY LORD,—Herewith I have the honor to transmit to your Lordship for your information and guidance in the conduct of the accounts of the Settlement under your Government, printed Copies of the 6th Article of the Instructions of the Lords Commissioners of the Treasury to the Commissioners for auditing the Colonial accounts, and of the Acts of the 46th and 54th Geo. 3, Cap. 141 and 184, constituting their Board. I have &c.

(Signed) BATHURST.

[Original.]

Letter from HENRY GOULBURN, ESQRE., to JAMES BULLER, ESQRE.

DOWNING STREET, 7th October 1815.

SIR,—I transmit to you herewith the copy of a letter from Lord Chas. Somerset, dated Cape of Good Hope the 29th of April last, stating the doubts he entertains with respect to the sufficiency of the authority under which certain duties have been levied and continue to be levied in that Colony; and as it appears adviseable that some alteration should take place in the schedule of rates of such duties, his Lordship suggests the expediency of such an authority being now given as may warrant his proceeding in the measures he has in view. I am directed by Lord Bathurst to request you will submit this subject to the consideration of the Lords of His Majesty's most Honorable Privy Council, in order that, if their Lordships approve thereof, an order in Council may be issued for that purpose. I am, etc.

(Signed) HENRY GOULBURN.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of new to replace worn out paper money.

13th October 1815.

[Copy.]

Instructions by SIR GEORGE COCKBURN, Rear Admiral of the Red, and Commander in Chief of His Majesty's Ships and Vessels, employed and to be employed at the Cape of Good Hope, and in the Seas adjacent, as far Northward as the Equinoctial Line; as far Westward as the fifteenth Degree of West Longitude, Southward to the Sixtieth Degree of South Latitude, and Eastward to the Sixty-Fifth Degree of East Longitude. To J. K. WHITE, ESQRE., Commander of His Majesty's Sloop Peruvian.

You are hereby required and directed in His Majesty's Sloop you command, with His Majesty's Sloop Zenobia already placed

under your orders, to make the best of your way to the Island of Ascension, and in the event of your finding the said Island (as is probable) unoccupied by people of any nation whatsoever, you are to take possession of it, hoisting upon it the English Flag, and putting ashore upon it an Officer, about ten men, and a gun, and erecting upon it for these men (who are to remain constantly on shore) tents or other accommodation according to the means at your disposal, and as the nature of the situation may require; you will then take measures to insure that *every* boat or vessel which may approach Ascension be minutely examined, and should there be discovered on board any such, either General Napoleon Buonaparte or any of the French persons who accompanied him to St. Helena, he or they as the case may be must be immediately secured and taken (forcibly if necessary) on board one of His Majesty's Sloops, for the purpose of being brought back to this place, if they do not produce a Certificate from under my hand and seal setting forth that they have regular and full sanction for proceeding elsewhere.

So soon as the Island of Ascension be taken possession of as above directed, all the necessary arrangements made, and you have ascertained (by digging deep wells in different parts) whether it be practicable to obtain fresh water thereat, you are to return here in the *Peruvian* to make the report to me on these points, and to furnish me with such other particulars respecting the island, the anchorage, &c., as may be necessary for me to be acquainted with, leaving the *Zenobia* to retain possession of Ascension, and charging her Commander with the future execution of the duties which are above particularized as the objects for which I have directed that Station to be so occupied, directing him to continue on this service until relieved by another Vessel or he receive from me other Orders. You will also intimate to him that I desire he will be particularly cautious always to keep on shore the necessary proportion of Provisions and Water for at least ten days in advance for the number of men landed, to prevent the possibility of danger accruing to them in the event of the *Zenobia* being blown from the Anchorage, or her chasing off, the latter however Captain Dobree should never do excepting some very particular behaviour in a Vessel in sight of him give him reason to think it highly essential that he should examine her, and even in this case he is not under any circumstance to follow such vessel a greater

distance than he is well assured he can regain within the period for which the shore party have provisions and water.

Should you find any other vessel or vessels at Ascension when you arrive there, you are not to take any steps with regard to establishing the party ashore until such vessel or vessels quit it, and during their stay you are to keep secret your Intentions on this head, but if contrary to every expectation you should find the Island to be already taken possession of and occupied by any other Nation, you are not to interfere therewith, but to return immediately to give me the information, leaving however the *Zenobia* to cruize to windward of the Island to examine vessels approaching it, with the same view as before directed; and Captain Dobree is to understand he is to act in a similar manner with regard to General Buonaparte or his attendants upon falling in with any of them under these circumstances at sea.

Given on board the *Northumberland* in St. Helena Roads 17th October 1815.

(Signed) G. COCKBURN, Commander in Chief.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 19th October 1815.

MY LORD,—I have the honor of transmitting to you herewith a letter which has been addressed to me on behalf of the Missionary Establishment of the United Brethren at the Cape of Good Hope, and to convey to you the Instructions of His Royal Highness The Prince Regent that you should grant to them free permission to build a Chapel for the use of their Congregation at Groenekloof, and should allow them the free use of the Wood belonging to the premises for the necessary purpose of erecting the Building.

I am also to acquaint you that His Majesty's Government entirely concur in the expediency of extending the Hottentot Establishments under the direction of these Missionaries to other parts of the Colony, and you will therefore assign to them such a Tract of Land in the unoccupied parts of the Colony as may enable them to carry into effect the separation of the Congregation of Gnadenenthal in Baviaans Kloof. You will also afford to them

the necessary and usual facilities for the formation of a new Settlement.

With respect to the Quartering of Troops on the Missionary Establishments, you will I am sure see how very injurious such a Measure may prove to the morals and the regularity of the Inhabitants; and although His Majesty's Government feel themselves unable to promise to the Missionaries an exemption from a burthen of this nature, which however injurious, may possibly in some Cases be necessary, they are nevertheless most anxious that they should not be subjected to it, and you will therefore particularly avoid quartering upon their Settlements any Soldiers, since their presence cannot from the nature of the Settlements be required for purposes of Police, and must be detrimental to their improvement. I have &c.

(Signed) BATHURST.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the destruction of worn out paper money.

19th October 1815.

[Original.]

*Letter from REAR ADMIRAL SIR GEORGE COCKBURN to
J. W. CROKER, ESQRE.*

*Northumberland, St. HELENA,
October the 22nd 1815.*

SIR,—In conformity with the directions of my Lords Commissioners of the Admiralty I now dispatch His Majesty's sloop *Redpole* to England to inform their Lordships of my having arrived at St. Helena in the *Northumberland* on the 15 Instant, and of

Havannah
Bucephalus
Redpole
Peruvian
Zenobia
Icarus
Ferret

the safe arrival also of His Majesty's ships under my order named in the margin, the *Ceylon* and *Zephyr* which parted company on the passage are not yet arrived, but I look for them hourly. On the day of my arrival I lost no time in consulting fully with Governor Wilkes upon the subject of the important duties with which I am charged, and the next day having visited with him the different houses and estates through-



out the island, and the Governor as well as the Members of the Council, and every other person I have consulted here, most fully concurring with me in considering Longwood not only the best, but the only place on the island calculated to answer for the future residence of General Buonaparte, I have not hesitated in fixing upon it for the purpose accordingly. Longwood is detached from the generally inhabited parts of the island, therefore none of the inhabitants have occasion or at all likely to be met with passing in its neighbourhood, excepting those who have business with the General or the estate, it is the most distant from the parts of the coast of the island always accessible to boats, some of which spots owing to the present inadequacy of their defences, the Governor considers it of importance to keep from the view of General Buonaparte and his military followers, and at Longwood an extent of level ground (easily to be secured by sentries) presents itself perfectly adapted for horse exercise, carriage exercise, or for pleasant walking, which is not to be met with in all the other parts of the island. The house is certainly small, but it is I think equal in size and convenience to any of the others I have seen on the island (out of the town), excepting only the Governor's plantation house, and I trust the carpenters of the *Northumberland*, with the assistance of the workmen the Governor has kindly offered me, will in a little time be able to make such additions to the house as will render it if not as good a one as might be wished, yet at least as commodious as necessary, and whenever the artificers, and frames, &c., my Lord Mulgrave promised to send after me, arrive, we shall be enabled further to improve it to any extent required.

I have found the premises of Longwood in possession of the Lieutenant Governor, but this officer also most fully concurring in the advantages it offers for the residence of General Buonaparte, has most readily consented to change as quickly as possible into another house, and has already commenced moving his effects &c. accordingly, I have therefore reason to hope I shall be enabled to get the General and his Party into it in the course of next week, in the meantime, as after being so long confined on board of ship, the General shewed much anxiety to be permitted to land, which might also be considered necessary for his health, and the Governor not seeing any objections to it, I have hired for the moment a furnished house in the town by the week, in which are now

General Bertrand and all the other attendants, the General himself having at his own request removed the day after his landing to a small house a little way out of the town in which there is only one spare room for himself.

I now beg to draw their Lordships' attention to the subject of the expences to be incurred for the maintenance of General Buonaparte and his followers on this island, upon which point my Instructions not being very detailed, I will venture to adopt such measures as appear to be most adviseable under the existing circumstances, until I can receive the further pleasure of His Majesty's Government. I find that neither General Buonaparte nor any of his followers have brought with them an article of furniture excepting a small service of plate, and another of Seve China, linen and everything else therefore for the establishment at Longwood must be purchased for them, and as they have not brought any money with them, and the sum I took from them on board the *Bellerophon* and transmitted to the treasury proved *so small* that it becomes out of the question looking to it for covering the expences for establishing and maintaining here the General and his suite, agreeably to what I consider the intention of His Majesty's Government on this head, viz. "that as far as it may prove practicable such comforts and establishment as is usually enjoyed by Officers bearing the Rank of full General should be allowed to General Buonaparte, and a Table of eight Covers kept for him, with everything else in a similiar ratio," I propose to draw from time to time from the Commissary such sums as may be necessary for the furnishing and keeping up accordingly or as near as conveniently may be, an Establishment of this nature for the General and his suite, and the better to enable me to effect this at the cheapest rate, and to avoid the imposition I might be liable to as a stranger, I have engaged a Mr. Balcombe, a respectable Inhabitant (strongly recommended to me by Colonel Beitson before I quitted England, and by the Governor since my arrival, as most conversant and efficient in such matters), to purvey for me, and generally to assist me in procuring the several things it becomes necessary for me to purchase upon the island; I intend however to control and minutely to attend myself to all these purchases, accounts, &c., considering and holding myself entirely responsible to Government for the same (until the arrival of Sir Hudson Lowe) and Mr. Balcombe as being merely

a necessary subordinate assistant to me, and I have agreed with this Mr. Balcombe that instead of having a per centage or salary fixed by me, it is to be entirely left to His Majesty's Government to award him such remuneration for his trouble as may be deemed proper upon the receipt of this letter, or after the examination of the accounts. These accounts I shall cause to be regularly kept by my Secretary (until the arrival of Sir Hudson Lowe) and I propose to transmit them duly attested for the inspection and consideration of Government, monthly at first if possible or as nearly so as opportunities may offer, to enable Government to form as quickly as possible an idea of the probable general expences on the plan taken up, and to give any further directions which may be judged necessary in consequence thereof; and so soon as these expences have exceeded the four thousand Napoleons taken from General Buonaparte, I shall consider his right to draw for any money for private uses to be entirely at an end, without I receive different orders on this point, and it is necessary I should add whilst on this subject, that the Count de Bertrand has already applied to me to know what allowances himself and the other attendants of Buonaparte may look for independent of their maintenance and lodging; I avoided giving a direct answer to him, on the plea of not having precise instructions on the point, but it does not appear that any of these people have private fortunes of their own, by means of which they might be supplied, and as themselves as well as their families will be constantly wanting clothes &c. it becomes a subject on which I beg to request I may be furnished with directions. General Buonaparte has since his arrival also applied to me for a carriage on the plea of its being often the only exercise he can take, and as fortunately Governor Wilkes happens to have one which he will spare me for this purpose, I shall not hesitate in purchasing it, and the General having of course also applied to me to cause him to be furnished with horses, I propose to send to the Cape for some for him, such indulgences appearing to me to come decidedly within the idea I have of the comforts and establishment intended to be allowed him.

I am sorry to have to add that since General Buonaparte has landed he has appeared less resigned to his fate, and has expressed himself more dissatisfied with the lot decreed him than he did before; this however I merely attribute to the first effects of the

general steril appearance of this island around where he now resides and the little prospect it yields to himself and followers of meeting with any of those amusements and enjoyments they have been accustomed to. I am therefore the more anxious to get them into Longwood, where the appearance of the Country is so much better, and when I have procured for them the carriage, horses, &c., before mentioned, I am not without hopes that this discontented turn may again wear off, and their Lordships will I trust very readily believe that nothing shall ever be wanting on my part to render the General's detention here as little afflictive and irksome to him as possible, so long as the paramount object of his personal security be not compromised. :

The very short time I have been here does not enable me to give their Lordships perfect details respecting the whole island, but I have seen enough of it and particularly around Longwood to feel quite confident of being able to insure to their Lordships the safe custody of the General, and I feel very great pleasure in having thus early to acquaint their Lordships, and through their Lordships His Majesty's Government, that nothing can possibly exceed the ready, pleasant, and able assistance and co-operation I have met with from Governor Wilkes from the first moment of my arrival, and I may add that the Members of the Council and the Company's Officers acting under him are likewise entitled to my warm acknowledgement on the same score, as nothing can more effectually tend to lighten the task I am charged with, at the same time that it secures to me the most efficacious means of performing it. Since my arrival I have in conjunction with the Governor picked out seventy-nine foreigners, soldiers, their wives, and others, to be transferred to the Cape, they are now on board of the *Bucephalus*, and will sail tomorrow or next day, and three other foreigners (which are all that were upon this island) now go to Europe in the *Redpole*. I do not see occasion to request from Lord C. Somerset any further assistance than an equal number of English soldiers for the foreigners so sent to the Cape, and about sixteen dragoons, the latter being in my opinion likely to prove extremely useful and necessary during the detention of General Buonaparte on the island.

The anxiety which I know to exist in His Majesty's Government to receive this first dispatch after my arrival, induces me to send off the *Redpole* without further delaying her for more

particular details, and to direct her Commander to proceed himself to London with this dispatch to answer such further questions as their Lordships may wish to put to him. As from the hurry in which the *Northumberland* left England a number of men last received on board of her sailed without being paid, I have thought it right to cause a proportion of these having the most pay due, to be exchanged for the crew of the *Redpole*, who were paid to the moment of her sailing. I have considered it incumbent on me to send back to England also in the *Redpole* a French servant who was smuggled on board the *Northumberland* in addition to the twelve domestics allowed to General Buonaparte, in the hurry of the transhipment from the *Bellerophon*, tho' I had previously most pointedly refused to allow of his going. I have therefore not permitted him to set his foot on shore here, and I have directed Captain Denman to be careful to secure him when he arrives in England, until their Lordships' pleasure respecting him shall be known.

Since my arrival here I have completed the Brigs named in the *Peruvian* margin with provisions and water, and detached them *Zenobia* in performance of the duties specified in the accompanying *Icarus* copies of my orders to their Commanders, *Ferret* which I enclose for their Lordships' information.

That to Captain White of the *Peruvian* I shall be anxious to learn is not disapproved of, as the taking possession of Ascension is a measure which did not strike me whilst in England, but which has since appeared to me necessary, not only to give us a stronger right to examine any vessels arriving there, and to take from them any persons who may have escaped from hence, but more particularly to prevent America or any other nation from planting themselves there as upon a hitherto unoccupied and un-owned island, (taking advantage of the Place to supply themselves by shipping with provisions and water) for the purpose of favouring sooner or later the escape from hence of General Buonaparte or any of the other persons unwillingly detained here.

I have only now to add for their Lordships' consideration that my present idea is, with a view to perfect the security of this island, two Vessels of War should be always kept at anchor here, one where the *Northumberland* now is, and one as far to the westward as she can get shelter, and two Brigs in addition to those already sent should also be kept cruizing in the offing, one in the

north and the other in the south; to enable me to effect which, giving the necessary reliefs, and to supply contingencies, I should require three more vessels of war under my command than are now upon the Station, and I must submit to their Lordships the propriety of sending another *Post Captain* to continue on it, to enable me to maintain the necessary discipline by Courts Martial in the event of the same becoming necessary.

I have been so much occupied with other matters during the few days since my arrival that I have not as yet been able to arrange anything about a House for myself, I am therefore taking advantage of an obliging offer of the Governor's, and inhabiting for the moment his residence in the town, but the house which appears to me best situated for the Admiral, and which I think I shall therefore most probably be obliged ultimately to decide upon taking is called the Briars, the more especially as it has been offered to be let to me furnished by the year, tho' like all the others I have seen on the island it is very small, and will I have no doubt prove excessively dear. I am etc.

(Signed) G. COCKBURN, Commander in Chief.

P.S.—I observe in the body of my letter when speaking of the persons to be sent from hence to the Cape of Good Hope, I have neglected to mention for the information of Government, three of the Gunners of the Royal Artillery, who sailed with us from England behaving so ill on the passage as to induce their commanding officer (Captain Greatly) to propose their not being allowed to land here, but being sent on to the Cape to be exchanged, in which of course I have acquiesced, and I am sorry to have to add that the whole party of Royal Artillery embarked at Portsmouth (excepting only the Officers and non Commissioned Officers) are Irishmen to a man, and by no means the description of people I could have wished to have had with me on this service. I trust however the example of sending the three in question to the Cape (the St. Helena station appearing to be much preferred by the men) and the indefatigable exertions of Captain Greatly, in whose favour I cannot say too much, will insure for the future the good behaviour of the remaining number of the party.

G. C.

[Original.]

Names of Survivors from the Wreck of the Arniston Transport.

Chas. Stewart Scott, Carpenter's Mate.

Philip Shea

Wm. Drummond

Wm. Fish

Thos. Mansfield

John Lewis

} Seamen.

Names of the remainder of the crew and the passengers as far as can be collected from the survivors.

Lieut. Brice, R.N., Agent for Transports,

Captain George Simpson,

Thos. Hull, first mate,

Wm. Young, second D^o,

— Gibbs, Third D^o,

— Robinson, fourth D^o,

Doctor Gunter,

John Barrett, Boatswain,

John Finley, Carpenter,

Thos. Gowan, Gunner,

Lord and Lady Molesworth, with a boy about 7 years old under their care,

Four boys belonging to an officer of the 73rd Regiment at Colombo,

Captain Stoddart, of the Royal Scots,

Mrs. James with two children, belonging to Point de Gale,

Mrs. Taylor, an officer's widow,

Miss Twissleton, daughter of the clergyman at Colombo,

Mrs. Gordon and son about 5 years old,

Ordnance storekeeper,

Lieut. Callender, 19th Regiment,

Invalids from the 19th, 22nd, 56th, 69th, 84th, and Royal Scots,

And near 100 seamen from the different men of war in India, with 14 women including passengers, and 25 children.

N.B.—Captain Whyms of the 19th Regiment died on board about six weeks after leaving Ceylon.

(Signed) H. BAKER.

TRANSPORT OFFICE, 23rd October 1815.

[Original.]

Letter from JOHN BARROW, ESQRE., to HENRY GOULBURN, ESQRE.

ADMIRALTY OFFICE, 24th October 1815.

SIR.—In return to your letter of the 20th instant, inclosing an extract of one from Lord Charles Henry Somerset, Governor of the Cape of Good Hope, representing the expediency of surrendering to the Colonial Department, certain buildings at Cape Town, lately occupied by the Naval Establishment; I have it in Command from my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Bathurst, that having received a similar suggestion from the Naval Commissioner at the Cape, their Lordships gave orders to the Navy Board on the 5th of last month, for these premises to be given up to the Colonial Department under an obligation of restoring them to the Naval Department should they again be required. I am etc.

(Signed) J. BARROW.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it appears from the great quantity of Wheat still bringing into Cape Town from the Country Districts, that the late Harvest has been even more abundant than it was originally imagined; and whereas it is highly expedient that so favourable an opportunity of filling the Colonial Granaries should not be suffered to pass by, but that, on the contrary, every means should be exerted to prevent, in future years, those apprehensions of scarcity a single unfavorable season has been hitherto known to produce.

And whereas it appears from the Returns and communications of the Grain Commission, that the Sum of Eighty Thousand Rixdollars, placed at their disposal, in pursuance of the Proclamation of His Excellency Sir D. Baird, of the 15th day of November 1806, has been nearly expended in the purchase of Grain now deposited in the Colonial Granaries; and that it is expedient and necessary that a further Sum of One Hundred Thousand Rix-dollars should be appropriated to this highly beneficial object;—

Be it therefore hereby ordered, that the Sum of One Hundred Thousand Rixdollars aforesaid shall be stamped and signed in the mode and manner hereafter to be detailed, and shall then be placed at the disposal of the Gentlemen composing the grain Commission, viz. D. Denyssen, Esquire, H. M. Fiscal, A. Brink, Esquire, President of the Burgher Senate, and J. W. Stoll, Esquire, Landdrost of the Cape District, to be by them appropriated according to their former Instructions for the objects detailed in the premises.

These are therefore to order and direct, that the Secretary of the Court of Justice do, on Monday the 30th instant, attend at the Colonial Secretary's Office, where, on application to the Colonial Secretary (in whose custody they are), he will receive the Stamps, together with the quantity of Cartoon necessary for the purpose, and that he do, in the presence of the Fiscal and two Members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of 200 Pieces of 500 Rds. the backs of which are yellow, to be stampt; which Pieces, when so stamped, are to be delivered by the Fiscal and Members of the Court of Justice aforesaid to the Colonial Secretary, to whom they are also at the same time to return the stamps; which stamps, being replaced in the Box in which they are usually kept, the Box shall be Sealed with my Seal, and with that of the Court of Justice, so to remain until further wanted; of all which the Fiscal and Members of the Court of Justice are to make a Public Act of Certification, in the presence of the Court, on the next Court-day, to be registered in the Records of the Court.

And it is further directed, that such stamped Pieces (being regularly marked and numbered), and the value of each Piece with the date duly printed thereon, shall be signed by Messrs. D. F. Berrangé, J. W. Stoll, and W. J. Klerck.

And for the several matters herein mentioned, this shall be to all concerned a full and sufficient Warrant; and, for the public information and satisfaction, it is further directed that it be published and affixed in the manner usual with all other Proclamations.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope,
this 28th day of October, 1815.

(Signed) C. H. SOMERSET.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 30th October 1815.

MY LORD,—Having directed an Extract of that part of your dispatch under date the 8th of July last, representing the expediency of certain Buildings therein stated to have been lately occupied by the Naval Establishment at Cape Town being surrendered to the Colonial Government, to be referred to the Lords Commissioners of the Admiralty, I have now the honor to inform your Lordship that the Lords Commissioners have given orders to the Navy Board for the Premises in question to be given up to the Colonial Department under an obligation of restoring them to the Naval Department should they again be required. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 30th October 1815.

MY LORD,—Your dispatch of the 3rd of July last, submitting the expediency of the Lords Commissioners of the Admiralty authorising the Admiral or Senior Officer on the Cape of Good Hope Station to communicate to the Governor of that Settlement pro tempore the intended Sailing of any of His Majesty's Ships for England or any of the British Settlements in due time to prepare his Official Correspondence, having been submitted to the consideration of the Lords Commissioners, I have the honor to inform your Lordship that their Lordships conceiving that, for the public good, the Governor and Commander in Chief of His Majesty's Colonies should freely communicate on matters of public service, will give corresponding Instructions to the Naval Commander in Chief on the Cape Station. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,

CAPE OF GOOD HOPE, 30th October 1815.

MY LORD,—I have the honor to transmit to Your Lordship herewith copies of a correspondence which has taken place between the collector and comptroller of the customs at this port and the Secretary's Office, on the subject of an information which had been lodged against the Brig *Maria* trading from this port to St. Helena in consequence of her having brought hither from the latter place a cargo part of which consisted of American plank and pitch. Your Lordship will perceive that great difference of opinion exists as to the legality of the traffic in question, and that it is of considerable importance that an opinion should be taken in England upon this question.

I take the liberty also of calling Your Lordship's attention to the subject of the trade of this colony generally. By the Order of Council of the 24th September 1814 this Colony is brought under the general laws of navigation and trade, but so many changes have been made during the last 25 years in these regulations, that much obscurity envelopes this subject, and the merchants of this place not having it in their power to procure adequate legal advice here are exposed to many heavy penalties and confiscations should they even inadvertently trespass against the laws in question.

Should Your Lordship view this subject as I do, perhaps it may give rise to some general measure, which shall tend to relieve the doubts which at present are so embarrassing to all concerned.

I have etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from the WESLEYAN MISSIONARY SOCIETY to
EARL BATHURST.*

VESTRY OF CITY ROAD CHAPEL, October 30th 1815.

MY LORD,—The Committee for conducting the Foreign Missions established by the late Revd. John Wesley, M.A., and afterwards

carried on by the late Revd. Dr. Coke, have full confidence from past experience, in the very liberal principles by which your Lordship is influenced; and in your readiness to facilitate their views of Christian benevolence. They therefore beg leave to address your Lordship on the measures necessary to be adopted for securing to the Reverend Barnabas Shaw, a man of good moral character, loyal principles and competent ministerial abilities, the free exercise of his public functions, as a preacher of the Gospel at the Cape of Good Hope, and in the neighbouring districts of South Africa.

Your Lordship may recollect, that a similar case has already been laid before you, by the Reverend Dr. Clarke, in reference to the Revd. John McKenny, who was sent to that station by the particular request of a considerable number of pious persons, members of the Wesleyan Methodist Society, who were anxiously desirous of enjoying the same religious ministry, with which they had been favoured in their native country.

On the arrival of Mr. McKenny at the Cape, His Excellency the Governor refused to allow him to officiate as a minister in Cape Town, and though eighteen months have now elapsed, he continues to labour under the same painful disability.

The Committee deeply lament that any portion of His Majesty's loyal subjects, and particularly that their fellow Christians at the Cape should thus be deprived of the rights of conscience and denied the privilege of worshipping God, according to their views of this sacred duty. They are however solicitous to remove any objection which may possibly exist in the mind of His Excellency the Governor, to Mr. McKenny as an individual; although they deem it right to say that they have never heard that any objection has ever been alledged. They have therefore agreed to remove the said Mr. McKenny to another station, and appoint the Reverend Barnabas Shaw beforementioned, to succeed him at the Cape of Good Hope.

It is the intention of the Committee that Mr. Shaw should consider his labours at the Cape Town, merely as introductory to missionary efforts among the heathen inhabitants of the neighbouring country, an object to which His Excellency the Governor has been pleased to promise his countenance. But as this whole undertaking will involve considerable expence, the Committee are desirous to ascertain, whether such a mission may

be expected to receive from His Majesty's Government that adequate protection, which will be essential to its peaceable and uninterrupted prosecution.

They do therefore most respectfully and earnestly entreat that your Lordship will be pleased to allow a deputation of their members to wait upon your Lordship, as soon as will consist with your convenience, in order to explain more fully the circumstances of the case, and to receive your Lordship's opinion and counsel respecting it. We have etc.

(Signed) THO. THOMPSON, General Treasurers
 M.P., Hull } of the Methodist
 JAMES WOOD } Missions.
 JAMES BUCKLEY }
 THOMAS WOOD } Secretaries.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 9th November 1815.

MY LORD,—A representation has been made to me on the part of the Methodist Missionary Society that Mr. McKenny, one of their Ministers, who was introduced to you by my Under Secretary in March 1814, has been prevented from preaching and otherwise exercising his Ministry in Cape Town by Your Lordship's direction. The Society therefore conceiving that Mr. McKenny may (tho' they are not aware that he has) have rendered himself obnoxious to the Government of the Colony, have determined upon his removal, and the Substitution in his room of the Reverend Barnabas Shaw, to whom I have equally given at their request a recommendation to your Lordship.

I certainly am not aware of any objection to Mr. Shaw's being permitted to preach at the Cape to those Members of the Methodist Society who may be resident there under such Restrictions as you may consider necessary; and so long as his Conduct shall be in other respects proper, I am sure you will feel no disposition to interfere with him. Should there, however, be any Circumstances which would in your opinion render his remaining in Cape Town inexpedient, I have to desire that you will make a Report

to me upon the Subject in order that I may judge how far it would be adviseable to prohibit his preaching there altogether or to place it under proper regulations. I have &c.

(Signed) BATHURST.

[Original.]

Letter from the REVEREND JAMES WOOD to EARL BATHURST.

CHAPEL HOUSE, CITY ROAD, November 10th 1815.

MY LORD,—When I had the honour of waiting on your Lordship yesterday, you kindly directed me to send you the names of those missionaries now in the Island of Jamaica. They are as follows,

Rev. John Wiggins,
— John Shipman,
— John Burgar.

Mr. Barnabas Shaw is the missionary who is now ready to sail for the Cape of Good Hope.

Will Your Lordship permit me to suggest, that it may be proper in your letter to the Governor at the Cape, not to give him any intimation of Mr. Shaw's going to Ceylon, if not permitted to exercise his ministry in Cape Town, as it might appear to his Lordship to be a matter of little inconvenience to him to be refused that liberty.

I beg leave, my Lord, to return you my most cordial thanks in behalf of the Methodist Missionary Committee, for your Lordship's ready compliance with their request, and your great willingness to serve the Body with which they are connected; and also to assure you they are from *principle, duty, and affection*, most sincerely attached to His Majesty's *person and Government*.

I am etc.

(Signed) JAMES WOOD.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 11th November 1815.

MY LORD,—I am directed by Earl Bathurst to introduce to your Lordship the Bearer, the Revd. Barnabas Shaw (the Gentleman alluded to in his Lordship's dispatch No. 41) who intends proceeding to the Cape of Good Hope by the present opportunity. Lord Bathurst is satisfied that you will be disposed to afford him every facility for furthering the important Object which he has in view, and that it is consequently unnecessary to give him a more particular recommendation to your favor and protection.

I have &c.

(Signed) HENRY GOULBURN.

[Original.]

Letter from REAR ADMIRAL COCKBURN to JOHN WILSON CROKER, ESQRE.

Northumberland,
St. HELENA Roads, the 11th November 1815.

SIR,—I take advantage of an opportunity offered me by a home-ward bound Indiaman (the *Bombay*) to forward to you duplicates of my last letters transmitted by the *Redpole*, and to acquaint you for their Lordships' information, that since their date the *Ceylon* and *Zephyr* (then the only missing vessels of the Squadron) have safely arrived here.

With regard to General Buonaparte and his Attendants I have at present very little to add to my former communications respecting them, excepting to mention that I have found it to require more work to put Longwood House into a state to receive such a party and the means here of doing so to be much less than I at first supposed, and that therefore in spite of my utmost exertions I have not yet been able to get them into it, nor do I now expect to succeed in placing them there under a fortnight herefrom at soonest, they consequently remain situated as stated

in my letter of the 22nd ultimo, which however I should explain, is not attended with other inconvenience than causing some small additional expences, the regulations established here since our arrival, and which are most strictly and cheerfully attended to both ashore and afloat, placing me very much at my ease with respect to their security. They still I am sorry to add shew themselves occasionally less reconciled to their destiny *here* than I could wish, but as I have formerly remarked to their Lordships, I hardly hope to find them improve in this particular until I get them established at Longwood, to which object therefore as their Lordships may suppose, my principal attention and efforts are at this moment directed.

It appears to me essential not to let pass this opportunity of begging their Lordships' recollection of the necessity of sending to this Station from time to time supplies of fuel, as the stock of coal the Company has here at present is very small (at nine pounds per chaldron) and therefore if the *Weymouth* have not any on board for us, (which I think will prove to be the case) it becomes probable that we shall shortly experience some real inconvenience on this score, should not the conversation I remember to have passed at the Admiralty on the subject previous to my quitting Town have occasioned a Coal Transport to be already on its way hither.

The *Weymouth* with our provisions has not as yet made her appearance, though I trust she will prove not to be far distant, as the *Northumberland* having completed most of the small Vessels which have been detached, is now left with only *four* days Rum and *four* days Bread, serving half Bread and half Flour, and the last of her Flour will be this day expended. Flour however I can borrow from the Company's Stores, and I shall be able to purchase such other Articles as may be necessary to go on with until the *Weymouth* arrive, but I intend to avoid purchasing to the last minute on account of the exorbitant price of everything here.

In consequence also of the price and bad quality of the *Claret* at this place (six pounds per dozen) I take the liberty of submitting to their Lordships whether it would not be advisable to order any of the Ships coming out here to call at Bourdeaux by the way to take in a quantity thereof, and of other French Wines at prime cost (that which I procured at *Guernsey* having cost the same it would have done in England) as General Buonaparte and

his Followers (the Ladies and Children as well as the Gentlemen) invariably drink Wine at Breakfast, Dinner, and Supper, to give their Lordships some idea of the average expence of which, I herewith enclose a statement of the Wines I expended on the passage out, in addition to some Casks of inferior description which I had for their Servants.

The Artificers, Wood for building, Frames for Houses, &c., which I was given to understand by my Lord Mulgrave should be sent after us, will prove most particularly beneficial to us if they soon arrive, as the 53rd Regiment is now encamped in the Country for want of Buildings to put them into, and I have been forced to purchase (at the advanced prices of this place) all the Wood to be got here to enable me to make the necessary immediate Repairs and temporary additions at Longwood. I must likewise mention to their Lordships Governor Wilks having lately represented to me that to keep up a Stock of Cattle adequate to the encreased number of the Forces now likely to be permanently here, it will be absolutely necessary to build numerous Sheds in the upper or pasture Lands for the Cattle (usually brought from the hotter country of Africa) to take shelter under during the night, and of course we can only look to England for the Plank, &c., to enable us to do this, the more especially since the exclusion of American Traders from Intercourse with this Island.

On the 24th Ultimo I despatched the *Havannah* and *Bucephalus* to the Cape, with the Foreigners, &c., from hence, and to bring back Stores and Supplies for the Squadron and Garrison, and it being then generally supposed here that Vice Admiral Sir Charles Tyler was still at the Cape (now confirmed by the arrival of the *Bombay* Indiaman from thence) I judged it advisable to send by Captain Hamilton a Letter to be delivered to the Vice Admiral, in the event of the *Havannah* finding him there, to inform him of my arrival at St. Helena and of my Instructions requiring me to remain here instead of proceeding on to the Cape. I therefore take for granted I shall shortly see him here on his way home.

I am etc.

(Signed) G. COCKBURN.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the creation of new to replace worn out paper money.

17th November 1815.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 18th November 1815.

MY LORD,—The Postmaster General having in consequence of the late Act of Parliament establishing monthly packets to this place, the Mauritius and India, transmitted to me instructions for the guidance of the person who should be appointed to fill that situation here, I placed them in the hands of Mr. Gall, the postmaster of this place, who had of course antecedently done the duties now to be performed under the directions of the Act of Parliament; but Mr. Gall conceiving that it may be very troublesome to him to comply with the new regulations, and having at a former period expressed his wish to retire from the Colonial Service, he has taken this opportunity of soliciting leave to return to Europe, resigning his situation. Under these circumstances I beg leave to call Your Lordship's attention to this subject, conceiving that as the Postmasters General are to receive the emoluments of the Post Office and are to remunerate the person doing the duty of postmaster here, as far as relates to the mails from and to England and India, which is by far the greatest part of the duty of the officer, it is no longer necessary that the Treasury of this place should be burthened with the payment of a salary of £500 Sterling, but that the duties of Colonial Postmaster should henceforward be done at a very reduced income.

In this view, the person I shall place provisionally in the employment until Your Lordship's appointment to the situation shall be known, will be at the reduced salary of 2500 Rixdollars, making thereby a saving to the Colonial Treasury of 2000 Rix-dollars at the present rate of exchange, and I trust this arrangement will meet Your Lordship's approbation. I have, etc.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, November 23rd 1815.

MY LORD,—Tranquillity appearing to be completely re-established on the eastern frontier of our Settlement, no movement of the Caffres in the direction of the Zuurveld having taken place since my assumption of this Government, (with the exception of a trifling degree of cattle stealing, which it may be a length of time before it will be possible entirely to check), I propose to avail myself of the suggestion contained in your Lordship's despatch No. 10, and to reduce the numbers of the Cape Regiment to the establishment directed by Lord Liverpool in his dispatch to Lord Caledon dated 3rd March 1810, as far as relates to the non-commissioned officers and privates of this Corps.

To this effect I have directed the officer commanding on the Frontier to cause all the men above 500 to be marched to this place for the purpose of being discharged and sent to their respective homes. Even this small number of people dispersed among the agriculturists will be a most seasonable aid to them, the want of hands being matter of universal complaint. The saving which will be effected by the reduction in the Colonial expenditure will be extremely advantageous, several circumstances having latterly concurred to press severely upon this Treasury.

I wish therefore to avail myself of the happy result of the continental war, to submit to your Lordship whether the Colony could not now be relieved altogether from the expense of the Cape Corps, by replacing it by a British Battalion, or if the reasons for disbanding it shall not appear to your Lordship to be sufficiently strong, whether the augmentation of officers which took place just before Sir John Cradock left this Government, and which creates to it an additional expense of at least £3000 a year, may not under our present more favorable circumstances be done away.

Small as the labouring population of this extended Settlement is, it cannot be disguised that the subtracting so large a proportion as is kept embodied for military purposes is severely felt by all classes of agriculturists; but it is not only the men who are thus withdrawn from the service of the farmers, but a large proportion

of women also, every Hottentot almost having at least one wife, many two, and others more; these persons are all (with their children) at the expense of the Colonial Government, having from their first institution been allowed to draw rations for themselves and children, thereby making the Colonial Corps far more expensive than any other Corps in the Service, and those females with their children remaining at the Head Quarters of the Regiment in a state of idleness, filth, and debauchery not to be paralleled.

It would perhaps have been impracticable to have kept the Regiment together unless this indulgence had been shewn them, for as the men were chiefly raised by requisition and reluctantly embraced the military life, unless their habits had been given in to, and their females provided for, no severity would have been sufficient to have checked desertion to the greatest extent, and the deserters would then have become throughout the Colony marauders of the worst description.

These circumstances induce me to urge your Lordship to permit the reduction of the Corps, and to replace it by a Battalion of Regulars, and thereby restore 500 men with their families to the labours of the field, and relieve the finance of this Place from a burthen which, from the causes I have touched upon, bears with such peculiar severity upon it. Should your Lordship coincide with this opinion, there will remain no doubt of the early discharge of all the claims of the British Treasury upon this Government, and it is to be presumed that a considerable surplus beyond it may be appropriated to such objects as your Lordship may direct.

Road to Simons Town.—I have in the preceding pages alluded to circumstances which have caused considerable expenditure in this Government since my arrival here; in a former communication I informed your Lordship of the absolute necessity I was under of causing a road to be made from hence to Simons Town, (now the Naval Station), the access to which except in waggons of the strongest build, and then with difficulty, was almost impracticable. A great part of this line of road is thro' a loose sand intersected by morasses and ravines, and had been a work of great labour and expense to execute. I have now the pleasure of reporting that it is nearly accomplished, and that in the course of the ensuing year I expect it to be entirely completed.

Public Granary.—I have also been so fortunate as to have been

able to collect into the public Granary, in consequence of the abundance of last year's harvest, a supply of Corn equal to the consumption of this Town and Garrison for 3 months,—(say 25,000 souls). This has been an object with all my Predecessors, but the antecedent scanty seasons have not permitted them to succeed in it, and the danger has been always imminent of a dry year occasioning serious difficulties, (indeed they frequently have occurred), but this is now no longer matter of apprehension ; the measure however has been very expensive, but its advantages are obvious, for independent of the security against want in which it places the Colony, it will enable the Governors of this place to supply any body of troops or fleet which may be passing this place to India, without their presence having any considerable effect upon the public market.

These circumstances will, I trust, sufficiently account to your Lordship for my not having further reduced the debt with which this Colony stands charged ; they are however effected, and I trust nothing will occur to prevent my continuing the liquidation of our debt (which I have much at heart) in the course of the ensuing year. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 25th November 1815.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Dispatches to No. 39 inclusive.

It is impossible that I should not regret having excited in your mind an apprehension that your General Conduct as Governor of the Cape was disapproved of by His Majesty's Government. I can assure you that neither has any such opinion been entertained by them, nor do I perceive in my Dispatch of the 9th of May, in which it appears to you to have been conveyed, any expression from which such an opinion could with justice be inferred. I certainly thought, and I am sure that your Lordship will admit, that some parts of the Letter addressed by Colonel Bird to the Missionaries at Groene Kloof required explanation, and I therefore,

at the earliest moment, transmitted it to your Lordship, together with the Complaint on the part of the Missionaries to which it had given rise. From the respectable quarter from which I received that Complaint, and from the tone of the letter itself, (so different from all the Communications which had been previously made to me on the subject of the Missionaries) I was led to apprehend that you were impressed (as indeed happened to your Predecessor at the outset of his Government) with an unfavorable Opinion of their Establishment, and I therefore felt it the more incumbent upon me to express a regret which I really felt in the hope that it might counteract such an impression as I considered you might be disposed to entertain. The explanation which you have afforded has given me much satisfaction, and I have no longer any doubt that your Lordship duly appreciates the utility of the Establishments themselves and the exertions of those who have formed them. In Mr. Latrobe, the Secretary of the Unitas Fratrum, who has lately sailed for the Cape, your Lordship will find an able and willing co-adjutor in investigating any irregularity which may have taken place, and in restoring the Settlements at Groene Kloof and in Bavians Kloof to their former state of purity and excellence; and as your Lordship appears to consider the Missionaries themselves as exempt from the faults which you noticed in their Congregations I confidently look forward to the period when the Settlements will appear to your Lordship equally entitled to your approbation and protection.

The explanation afforded by you in your dispatch No. 39 of the Rules under which Grants and Leases of Land have been made by you in the Colony, is in every respect satisfactory, nor can I better express my approval of your Regulations than by directing a strict adherence to them in all future instances.

Although I cannot but regret the disappointments which Colonel Graham has sustained in consequence of the Farm of Riet Valley having been previously disposed of, I nevertheless cannot give my sanction to the proposition of making him, under the present Circumstances, a grant of it in perpetuity. Still less could I accede to the proposal of doing so upon a Quit Rent so utterly disproportionate to the present value of the Property as that which is mentioned in Colonel Graham's letter. Nor can I consistently with the principle laid down in my dispatch of the 9th of May, that the public should receive a fair equivalent for a

Grant so made, consent that any other Farm when vacant should be granted to him at a Quit Rent less than the Rent paid or offered at the time for a Lease of Seven Years. There can be no doubt but that the value of Property at the Cape will continue to increase probably in a far greater proportion than it has hitherto done; and under these Circumstances, I cannot consider myself as authorized to make a greater sacrifice of Revenue on the part of the Colonial Government than must be made by consenting to limit for ever the Rent of a Farm to that which is at present received from it. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 25th November 1815.

MY LORD,—I have the honor to acknowledge the receipt of your dispatch marked Separate and Confidential.

I very much regret that it is not in my power to sanction the payment of the full Salary attached to your Situation for any period prior to the date of your arrival at the Cape of Good Hope. I am also to inform you that the Cases which you have cited in justification of such a payment were not before known in this Department, and in order to prevent the possibility of such an irregularity as that Committed in the Cases of Sir John Cradock and General Meade from escaping the notice of the Auditors in reviewing the accounts of that period, a Special Communication on the Subject has been made to the Lords Commissioners of the Treasury. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 25th November 1815.

MY LORD,—Herewith I transmit to your Lordship the Copy of a letter which has been addressed to me by the Treasurer of the

Navy, enclosing Instructions for the Service of a Monition upon Mr. Joseph Reed; and I am to desire that your Lordship will direct this being served upon him. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 25th November 1815.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 27, and to acquaint you, that His Majesty's Government entirely approve of the Measures which you have taken for procuring the freedom of the Slave "Maria;" and although Mr. Truter's merits and Services have been too long known to doubt that he could afford a satisfactory explanation of the Circumstances connected with his Conduct towards her, I cannot but rejoice that an opportunity has been afforded him of removing those Impressions to which an erroneous and exaggerated Statement of the Transaction might have given rise.

I have &c.

(Signed) BATHURST.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been reported to me that certain turbulent and rebellious Subjects of the Districts of Graaff-Reinet and Uitenhage have assembled in arms upon the most frivolous pretences, and have proceeded to acts of violence, to the disturbance of the public peace and tranquillity of the Districts aforesaid; and whereas such daring outrages and rebellious conduct render it necessary for the safety and protection of the Magistrates, and of the well disposed Inhabitants of Graaff-Reinet and Uitenhage, that the Officer commanding His Majesty's Troops in those parts, Lieutenant-Colonel Cuyler, of the Cape Regiment, should

be vested (with full power to suspend the Civil Authority (if need shall continue), and enforce Martial Law in all such parts of the Districts aforesaid, as shall appear to be concerned in any act or acts of rebellion, or hostile to the public peace, I do therefore hereby authorize the aforesaid Lieut. Colonel J. G. Cuyler, of the Cape Regiment, Commanding on the Frontier, as well as all and every one of His Majesty's Officers who have or shall have separate commands, to punish, after a conviction, before a Court Martial, all Persons acting, aiding, or in any manner assisting, in any rebellious act, according to Martial Law, either by death or otherwise, as to him or them shall seem expedient for the punishment and suppression of all Rebels, to which all His Majesty's Subjects are required to take notice.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of November, 1815.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas D. Denyssen, Esq., His Majesty's Fiscal, and J. W. Stoll, Esq., Landdrost of the Cape District, have, in obedience to my Commands, assessed the different Farmers in the Cape District, in such proportions of Barley, as it will be incumbent on them to furnish for the supply of His Majesty's Cavalry during the ensuing year ; I do therefore hereby think proper to notify my approbation of the above-mentioned assessment, and further to direct, that the several Farmers herein named do deliver at the Commissary General's Stores, in Cape Town, on or before the last day of March, 1816, one half of the several Quotas of Barley expressed against their Names in the following List, and the remaining half on or before the 1st of October next.

And if any Farmer or Farmers so assessed shall not have delivered his or their proportion of Barley, on or before the days above stated, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the Market Price may

be, at the expence of such Farmer or Farmers, and to be delivered into His Majesty's Stores.

The Inhabitants dwelling in the neighbourhood of Saldanha Bay may deliver their Quotas to the Superintendant Mr. Kendler, who will be directed to give Receipts for the same; and such Farmers as may not be able to furnish the whole proportion of their assessment in Barley, will be at liberty to deliver Oats, provided Five Muids thereof be given in lieu of Four of Barley.

The price to be paid for the Barley, and the Quotas of the Districts of Stellenbosch and Tulbagh, will be notified in a future *Gazette*.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 1st day of December, 1815.

(Signed) C. H. SOMERSET.

[Original.]

Letter from the BARON VAN HOGENDORP to EARL BATHURST.

THE HAGUE, 4th December 1815.

MY LORD,—I had reason to anticipate from Your Lordship's Dispatch to the Right Honorable Lord Charles Somerset, bearing date 14 December 1814, and stating that His Royal Highness the Prince Regent had been induced to signify his pleasure that the tract of land at the Cape of Good Hope, for the settlement of which I had incurred great expense, should be restored to me, that all difficulties would have been obviated, and that the tract of land, situate in the Plettenberg bay, which had been originally granted, would finally have been conveyed to me by a new grant.

In this just hope, I have however been disappointed. It seems that His Excellency the Governor at the Cape of Good Hope, far from complying with the contents of Your Lordship's dispatch of the 14th December 1814, has informed my agent at the Cape, that he was preparing to make out proper deeds for conveying to me the property of a certain tract of land in the valley near Houtbay, and that His Excellency therefore wishes to substitute those lands in lieu of those granted in the Plettenberg bay.

Similar offers have been made to me by the former Dutch

Colonial Governments; but these I have constantly rejected, and if my motive for so doing were justifiable at that period, I leave your Lordship to judge of how much more weight those motives must appear at present.

When this offer was first held out to me in 1804, I could not, even at that time, consider it as an equivalent for the lands originally granted in the Plettenberg bay, these being far more extensive than those offered me in Houtbay. Of those lands, considerable grants have, since that period, been made to several other persons, so that the offer is now become much more exceptionable than at that period. But independent of those circumstances, I was led to reject the offer from other motives, and I shall now proceed to lay them before Your Lordship.

Nothing has ever been more repugnant to my feelings than slavery and the slave trade. My sentiments on those subjects were known, when that inhuman traffic was carried on and countenanced by the European Powers. Now, that the slave trade is an object of abhorrence almost to all the world, it would ill become me to deviate from the sentiments I have always manifested on that subject.

The lands in the Houtbay, as well as all others in the vicinity of the Cape Town, are cultivated by slaves. The object I had in view was to rear a colony of freemen. The incompatibility of mixing freemen with slaves is self-evident, and needs no further comment. The lands originally conceded to me in the Plettenberg bay, and of which (if I rightly comprehend Your Lordship's dispatch alluded to above) it has pleased His Royal Highness to allow me a new grant, are situated at about 130 leagues from the Cape Town. At that distance a free colony can have no intercourse with slaves; and a possibility of such an intercourse would altogether have defeated the object I had in view, which was to establish none but a colony of freemen, remote from the abode of slavery.

It is His Royal Highness' pleasure, that the tract of land, for the settlement of which I have incurred great expense, should be conveyed to me by a Grant; but that tract of land is not situated in the Houtbay. I never would have been at any expense for a settlement in that direction. That tract of land, on the contrary, is situated in the Plettenberg bay, and I trust Your Lordship will take the merits of my case into consideration, and issue such

orders, that I may be put in possession of that tract of land which was originally granted me, and the property of which I actually considered as vested in me anew, from Your Lordship's dispatch mentioned above. I have etc.

(Signed) GYSBERT KAREL VAN HOGENDORP.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by Proclamation of the 1st December last, it was made known, that the Quotas of Barley which the different Farmers in the Districts of Stellenbosch and Tulbagh are to furnish for the supply of His Majesty's Cavalry for the ensuing year, as also the price to be paid for the same should be notified in a future *Gazette*; and whereas D. Denyssen, Esq., His Majesty's Fiscal, and J. W. Stoll, Esq., Landdrost of the Cape District, have transmitted to me Lists of the said assessments, and have also reported to me that the sum of 5 Rds. and 6 Sks. for a Muid of Barley, or a Muid and a quarter of Oats, appears to be a fair and equitable price for the same; I do hereby make known my approbation of the beforementioned assessments, and that the above sum will be paid by the Deputy Commissary General for all the Barley he may receive during the time stipulated in the said Proclamation of the 1st December last, from the Farmers residing in the Cape, Stellenbosch, and Tulbagh Districts; and be it also further declared, that everything contained in the Proclamation above alluded to is to be considered as if it were here inserted.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope,
this 8th day of December, 1815.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Concerning the destruction of worn out paper money.

8th December 1815.

Government Advertisement.

[Copy.]

Notice is hereby given, that from and after the 15th instant, the Toll heretofore payable at Calks Bay will cease to be collected, and in lieu thereof the following Tolls are to be levied at Simons Town Gate, viz.,

	Rds.	Sch.	St.
For covered or other Waggons, drawn by 6 Horses, or other Animals	1	0	0
Ditto ditto, drawn by 4 Horses, or other Animals	.	0	4 0
Ditto, ditto, under 4 Horses	.	0	3 0
Carts, or other Vehicles, drawn by 4 Horses, or other Animals, or upwards	.	0	4 0
Ditto ditto, by less than 4 Horses	.	0	3 0
Single Horse or other Animal, mounted or led	.	0	1 0
Unyoked Oxen, or loose draft Animals, per dozen	.	0	2 0
Sheep, Goats, Pigs &c., per ditto	.	0	1 0

And, from and after the 1st of January next, the following Tolls are to be levied at the Gate of Muysenburg, viz.

	Rds.	Sch.	St.
For covered or other Waggons, drawn by 6 Horses, or other Animals	1	0	0
Ditto, ditto, drawn by 4 Horses, or other Animals	.	0	4 0
Ditto ditto, under 4 Horses	.	0	3 0
Carts, or other Vehicles, drawn by 4 Horses, or other Animals, or upwards	.	0	4 0
Ditto ditto, by less than 4 Horses	.	0	3 0
Single Horse or other Animal, mounted or led	.	0	1 0
Unyoked Oxen, or loose draft Animals, per dozen	.	0	2 0
Sheep, Goats, Pigs &c. per ditto	.	0	1 0

N.B. These Tolls are to be paid once a day, by all Persons passing through them in the Vehicles described, or on Horseback, and no Persons whatever are to be exempted from the payment,

except Officers of the Army or Navy, when on Horseback in Uniform, but these are also to pay when in Carriages.

Cape of Good Hope, 8th December 1815.

By Command of His Excellency The Governor.

(Signed) H. ALEXANDER, Secretary.

DIGEST OF THE RECORDS *IN THESE VOLUMES AND IN THE CAPE ARCHIVES.*

CHAPTER I.

MAJOR - GENERAL DAVID BAIRD, ACTING GOVERNOR, 10TH JANUARY 1806 TO 17TH JANUARY 1807.

LIEUTENANT - GENERAL HENRY GEORGE GREY, ACTING GOVERNOR, 17TH JANUARY TO 21ST MAY 1807.

DU PRÉ ALEXANDER, EARL OF CALEDON, GOVERNOR, INSTALLED 22ND MAY 1807, RETIRED 4TH JULY 1811.

LIEUTENANT - GENERAL HENRY GEORGE GREY, ACTING GOVERNOR, 4TH JULY TO 5TH SEPTEMBER 1811.

THE Colony was now permanently a British possession, for on the 21st of October 1805 the battle of Trafalgar was fought, which secured the title-deeds. If that battle had given France, instead of England, command of the seas, the favourable result of the skirmish at Blueberg could only have had a temporary effect, for the position of the Cape was such that it could not long be held against the nation that commanded the road to it. International custom indeed required that until the conclusion of peace no important change should be made in connection with its internal government, or any measure be introduced that would subvert the existing condition of the people ; but the British authorities were firmly resolved that it should never again be given up. Even before it was in their possession, while the expedition under Sir David Baird was on its way out, his Majesty's representative at the court of Prussia was officially informed that to secure peace England might consent to abandon other conquests, but the question of the restitution of the Cape of Good Hope and the island of Malta must not so much as be discussed.

The great majority of the Dutch colonists naturally regretted being again brought under the dominion of another power,

and failed to appreciate the advantage of being connected with an empire vastly more powerful than their own fatherland. But all told, men, women, and children, they were not thirty thousand in number, and they were thinly scattered over an immense territory, so that they felt their best course would be to submit with as little show of discontent as possible. The heads of the government for several years were consequently able to report that the condition of the colony, as far as the European inhabitants were concerned, was one of perfect tranquillity. A few individuals, chiefly resident in Capetown, who had been warm adherents of the Orange party in days gone by, were not dissatisfied with the change, and were prepared to support the new government faithfully. From them officials were chosen to replace those whose situations became vacant, when it was not considered necessary to fill the posts with British born subjects.

During the long contest with the first Napoleon the unusual number of seamen and soldiers required could only be kept up by the allurement of gains from the enemy. The pay was too small to attract men, so the prospect of prize-money on a liberal scale was held out. This did not mean that the conquered were to be pillaged, but that public property acquired in war was to be divided according to fixed rules among the individuals who were so fortunate as to seize it. When the Cape Colony for the second time fell under the power of the British forces, in order to satisfy the army and navy it was necessary to make diligent search for everything liable to confiscation.

The artillery on the forts and military equipment and stores of all kinds were valued and paid for by the imperial treasury. The funds in the public chest, together with the balance of amounts due to the government after its debts were paid, formed another item in the list. The greater part of the money that had been distributed from the Dutch military chest was recovered, as has been already related. The government slaves were taken into possession, and were purchased for his Majesty's service from the agents for the captors. The

agricultural establishment at Groote Post was next claimed. The property of greatest value there consisted of horned cattle and sheep imported for breeding purposes. The commission for the improvement of agriculture and stock-breeding contested this claim, on the ground that the establishment was created for the public benefit and could not be regarded as government property. General Baird compromised the matter by purchasing the stock and implements for £5,000, to be paid out of the first available revenue, and keeping the establishment in existence for the service of the colony. Then came a seizure about which many complaints were made in the Netherlands, and which for several years was a subject of correspondence between the contending parties. To explain it, it is necessary to go back a little.

In 1789 Messrs. Fehrsen & Co., of Capetown, privately commenced a whale fishery, and two years later they obtained the consent of the government to its being carried on. In 1792 the commissioners Nederburgh and Frykenius threw open this branch of industry to anyone who chose to embark in it under certain conditions, but Messrs. Fehrsen & Co. remained the leading people in the business. In 1798, however, their affairs were wound up, and Mr. John Murray, an English merchant of Capetown, purchased the whole whaling plant at public auction. By him the business was enlarged, and was continued until 1803, when a ship arrived from Holland with three agents of an association termed the South African chartered fishing company, which had obtained from the government of the Batavian Republic the exclusive right of killing whales in the bays of the Cape Colony, with other privileges. Mr. Murray was now forced to cease his occupation and sell his plant to the new company, taking twenty-three shares in part payment. Upon the conquest of the colony in January 1806 the property of the South African chartered fishing company was claimed by the captors as fair spoil of war. Upon investigation it was ascertained that Mr. Murray was the only colonial shareholder, and he expressed himself delighted with the prospect of being able to conduct the business again on

his own account. On the ground, then, that the chartered fishing company was composed of persons who were subjects of countries at war with Great Britain, their property was confiscated for the benefit of the captors, and the whale fishery was again thrown open to any one who cared to embark in it.

Notwithstanding the hard language that was used in Holland and France concerning this occurrence, there is nothing to show that it was less justifiable than the seizure and confiscation of a Dutch or French merchant-ship would have been.

General Baird, who assumed the civil administration as acting governor, allowed most of the officials to retain their posts upon taking an oath of allegiance to the king of England ; but a few preferred to return to Europe. Captain Jacob Glen Cuyler, of the 59th regiment, was sent to Algoa Bay to replace Captain Alberti as commandant of Fort Frederick and acting landdrost of Uitenhage. Captain J. Carmichael Smyth, of the Royal Engineers, was directed to act as secretary to government, Captain William Munro was appointed deputy auditor general, and Lieutenant D. Ross, of the Royal Navy, became port captain of Table Bay. These appointments, however, were only to be held until men should be sent from England to fill the posts permanently.

All the judges of the high court of justice, except Messrs. Strubberg and Hiddingh, resigned, so on the 5th of April new members were appointed to fill the vacant places. They were Messrs. Clement Matthiessen, Abraham Fleck, Pieter Jan Truter, and Pieter Diemel. The office of president was kept open for Mr. Olof Godlieb de Wet, who was then in England. The former attorney-general, Mr. Beelaerts van Blokland, accepted the post of secretary. The court reverted to the condition in which it had been before 1803. The judges could now hold at the same time other situations in the civil service, it was not considered necessary that they should be trained lawyers, and they could be removed at the pleasure of the head of the government. Mr. Willem Stephanus van Ryneveld was appointed fiscal, and also vice-president of the court

of justice when cases were being tried in which he did not appear as public prosecutor.

On the 4th of March a French frigate named the *Volontaire* ran into Table Bay without a suspicion that the English had become masters of the colony. When too late, her captain discovered his error, and as he could neither resist nor escape, he surrendered without firing a shot. He had left Brest on the 15th of the preceding December in company with eleven ships of the line and four frigates under command of Admiral Villaumez. Shortly after sailing, some English transports were captured, and the troops on board, consisting of detachments of the 2nd and 54th regiments, two hundred and seventeen men in all, were transferred to the *Volontaire*, to be landed as prisoners of war at Teneriffe. Off that island two large ships, supposed to be English cruisers, were seen; so the frigate continued her course to Table Bay, where her captain expected to find the remainder of the fleet.

The Dutch flag was for some time after this kept flying on the Lion's rump, so that the French ships might enter the bay without suspicion; and such preparations were made that if they anchored they would be obliged to surrender. But they never made an appearance. One day a man named Cornelis Maas asserted in the governor's presence that he had seen them come to anchor in Saldanha Bay, desiring probably to put the English forces to needless trouble. But the statement was soon found to be false. As a warning to others, General Baird caused the offender to be flogged round the town at a cart's tail by the public executioner, and then banished him from the colony. After this no more false reports were spread.

The scarcity of grain for some time caused great anxiety. In March the government offered thirty-five shillings a muid for wheat delivered at the magazines in Capetown, without being able to procure as much as was needed. The bakers were forbidden to sell to families more than one pound of bread a day for each adult male and half a pound a day for each woman and child. The import duties on grain were taken off, with a view of inducing merchants to send for

supplies. After a few months the vessels sent to India returned with wheat and rice, and storeships arrived from England with biscuit and flour, so that actual famine was averted.

The next season was a very good one, and as the wheat was ripening General Baird adopted the old plan of the East India Company and established a granary in Capetown, with a view of keeping twenty thousand muids permanently in reserve. Paper money to the nominal value of £16,000 was created for this purpose, the price offered to the farmers being sixteen shillings a muid.

General Baird did not consider himself authorised to do more than what was barely necessary to maintain an efficient government until the secretary of state should issue instructions. Accordingly, he made very few changes, the only new regulations put in force by him being the following:

In February he issued a proclamation that all strangers found travelling in the interior of the colony without passes were to be arrested and sent to Capetown, a proclamation that was seldom enforced, though for many years afterwards it remained the law.

In April he annulled the marriage ordinance of Mr. De Mist, and substituted another by which the landdrost and heemraden of each district were to act as a matrimonial court for the purpose of ascertaining that there were no legal impediments to the union and issuing certificates to that effect, but marriages were to be solemnised only by ordained ministers of the Gospel.

In the same month he fixed the customs duties provisionally at 3 per cent of the value on British goods imported from British possessions in British vessels and 7 per cent when imported in neutral vessels, 10 per cent on foreign goods imported in neutral vessels, 5 per cent of the prime cost on Indian goods imported in British vessels and 7 per cent if imported in neutral vessels, 5 per cent on the sales by auction of any prize goods, 25 rixdollars on every male slave and 20 rixdollars on every female slave over twelve years of age, and 15 rixdollars on every slave child, but no slaves were to be

imported without special permission. On colonial produce exported to Great Britain 2 per cent of the value was to be paid, and 3 per cent when not sent there.

In May he made an improvement in the postal arrangements to the distant drostdies, by engaging a number of Hottentot runners. The runners were stationed at farm-houses along the lines of road, and the farmers were required to provide them with food and quarters, but were paid twenty shillings a month each for doing so.

The penalty to be imposed upon a farmer who should refuse to furnish his waggon, oxen, or horses for public service, upon the requisition of a fieldcornet, was raised to £10.

To meet the demand for labourers, which has never ceased in the colony from its foundation to the present day, in October General Baird allowed the negroes in a Portuguese slave ship named the *Dido*, that had put into Table Bay, to be landed and sold by public auction, and in November he gave permission to Mr. Alexander Tennant, a merchant of Capetown, to import five hundred from Mozambique.

As matters were in a satisfactory condition in South Africa, and an attack by an enemy was not apprehended, the British commander in chief allowed himself to be persuaded by the commodore to undertake a new enterprise without the authority of the government at home. Tidings reached the Cape that the colonists along the estuary of the Plata were greatly disaffected and that the Spanish garrisons were so weak that they would be able to offer little or no resistance, so it was determined to get possession of Buenos Ayres and Monte Video. Sir Home Popham had reason to believe that the British government would approve of this proceeding. In October 1804 he had discussed with Mr. Pitt and Viscount Melville the matter of assisting the South American colonies to throw off the authority of Spain, and with their concurrence he had entered into negotiations with the revolutionary general Francisco de Miranda. He had even been selected to command a force destined for the conquest of Buenos Ayres, but the project had been afterwards abandoned. At the time that the

expedition sailed from the Cape of Good Hope General Miranda was engaged in making an attack upon the coast of Venezuela, which proved unsuccessful; but there was no connection between the two enterprises. Their objects indeed were widely different: that of Miranda being to convert the South American provinces into independent nationalities, that of Sir Home Popham being to make the lands bordering on the river La Plata dependencies of Great Britain, and to divert into his own country the wealth that flowed from them into Spain and France.

The 59th regiment and the recruits for the Indian army had already been sent to the East. The 71st regiment, eight hundred and eighty-nine strong, thirty-three artillerymen, and seven dragoons, under command of Brigadier-General William Carr Beresford, were now embarked in transports, and with the entire squadron under Sir Home Popham sailed from Table Bay on the 13th of April 1806. At St. Helena two hundred and fifty additional soldiers were obtained. On the 26th of June the troops with the marines and some sailors of the squadron were landed close to Buenos Ayres, and after a feeble opposition, on the 28th that city was occupied.

Nothing further could be attempted without reinforcements, for which a request was sent to General Baird. The 47th regiment of infantry happened to be in Table Bay on its way to India when this request arrived, and it was detained. To it were added the 38th regiment, the men of the 54th that had been prisoners in the *Volontaire*, that portion of the 20th light dragoons which was in South Africa, and one hundred and fifty-eight of the 21st light dragoons,—the last named regiment having arrived in the preceding month to strengthen the Cape garrison,—making two thousand one hundred and ninety-seven men in all; and at the end of August this force left to join General Beresford. In the meantime, on the 12th of August Buenos Ayres was retaken by the Spaniards, and General Beresford with all those who landed with him were made prisoners of war. Assistance was sent from England, and with the detachment from the Cape on the 3rd of February 1807 Monte Video was taken by

storm. But the enterprise was shortly afterwards abandoned. An arrangement was made with the Spanish authorities for the release of the prisoners, on the 9th of September Monte Video was evacuated, and immediately thereafter the last of the British forces left the Plata. Some of the troops returned to England, the 47th and 89th regiments of infantry proceeded to India, and the 87th was sent to the Cape, where it arrived on the 21st of October. The detachment of the 21st light dragoons also returned to South Africa.

Rear Admiral Charles Stirling was directed to proceed from the Plata and take command on the Cape station, where since the departure of Sir Home Popham there had been no vessel of war except the 18-gun brig *Harrier* that had arrived from India in February 1807. On the 1st of September he reached Table Bay with the *Diadem* and *Raisonable*, two 64-gun ships, and in the following month was joined by the *Grampus*, 50-gun ship, the *Cormorant*, 18-gun sloop, the *Staunch*, 10-gun brig, and the armed schooner *Paz*. In December he was further reinforced by the *Laurel*, 22-gun sloop, the *Otter*, 18-gun sloop, and the *Sapphire*, 18-gun sloop, so that at the close of 1807 there was again a strong fleet in South African waters.

The troops composing the garrison at this time consisted of the 21st light dragoons, several hundred artillerymen, and six regiments of the line: the 24th, 72nd, 83rd, 87th, 93rd, and the fourth battalion of the 60th. The last named regiment arrived in July 1806 in a skeleton state, and was filled up by Waldeck prisoners of war who entered the British service. In March 1808 it was sent to Barbadoes, and was not replaced. In addition to these, there was the Hottentot infantry regiment, maintained at the cost of the colony, which early in 1807 was enlarged to eight hundred rank and file.

Upon tidings of the conquest of the colony reaching England, the king's government decided that it should be ruled until the conclusion of peace in exactly the same manner as when Lord Macartney was governor. The heads of departments were to be sent out from England, and were to receive the same salaries as were paid in 1797. The

arrangements were hurried on as soon as information was received of the expedition to the Plata, which met with the serious disapproval of the ministry, as having been undertaken without their authority or knowledge. Du Pré Alexander, second earl of Caledon, one of the representative peers of Ireland, was selected as governor. He was then only twenty-nine years of age, but he had already shown that he possessed abilities of a high order. In character he was upright and amiable, in disposition good-tempered, courteous, and benevolent, though when occasion required firmness no man could be more resolute than he. He was a tory as well as an aristocrat, of course, or he would not have been appointed to high office by the English government of that day; but no one could have been better adapted to make despotic rule sit lightly upon a people. As lieutenant-governor and commander of the forces Lieutenant General the honourable Henry George Grey was appointed. Mr. Andrew Barnard was restored to his old office of colonial secretary, and Captain Christopher Bird received the post of deputy secretary. The other offices of importance were also filled, but as changes rapidly took place among the holders, it would occupy space needlessly to give the names.

Lieutenant-General Grey was the first of the newly appointed staff to arrive in South Africa. As his commission authorised him to carry on the administration when the governor was absent, on the 17th of January 1807 he took the oaths of office. On the following day General Baird embarked in the transport *Paragon*, and sailed for England. He had won the esteem of the colonists by his kindly bearing towards them, and respectful addresses were presented by the public bodies on his departure. He left South Africa with the rank of lieutenant-general.

In the afternoon of the 21st of May the earl of Caledon and Mr. Barnard arrived in the ship of war *Antelope*, and on the following morning the governor took the oaths of office.

The system under which the colony was henceforth ruled was despotic in form, though tempered by moderation and a

disposition to promote the interests of the community. The governor could make what laws he chose, unrestrained by a council; but he was responsible to the secretary of state, and in all important matters acted under that minister's instructions. Of his own will he could fix prices for any produce required for the army, and assess the quantity each farmer was compelled to deliver,—a power frequently used. The patronage of the civil service, except the heads of departments sent out from England, was entirely in his hands, and at any time, without even assigning a reason, he could suspend or dismiss any official appointed in the colony, with the sole exception of the president of the high court of justice. He personally directed and controlled the different departments. With the lieutenant-governor he formed a court of appeal in civil cases of over £200 value.

In addition to all these powers, after the 10th of June 1808 the earl of Caledon and his successors were vested with an office which no former governor had held, that of judge in criminal cases of appeal. The high court of justice carried on its proceedings according to an enactment of Philip II of Spain and the Netherlands in 1570, by which a final sentence could only be pronounced in criminal cases when the accused confessed his guilt or the evidence against him was direct and overwhelming. In other cases an appeal could be carried to a superior court. Under the rule of the East India Company, appeals were made to the high court of justice at Batavia, a copy of the evidence being forwarded, upon which a decision was given. The earl of Caledon was instructed to appoint one or two assessors, and to act with them as a court of appeal in criminal cases. This was independent of his power of mitigating or suspending sentences passed by any of the courts.

On the 25th of March 1807 the parliament of Great Britain abolished the slave trade in British ships and by British subjects to or from any part of the coast of Africa, to take effect from the 1st of May. When this was communicated to the Cape government, Mr. Tennant had only

received three hundred and eighty-three out of the five hundred slaves which General Baird had given him leave to import, but he had contracted with a Portuguese sea-captain to bring another cargo. Towards the close of the year the Portuguese vessel arrived in Table Bay, with two hundred and twenty slaves on board. After a little consideration, the governor resolved to allow one hundred and seventeen to be landed; but as Mr. Tennant had no permission to import a greater number, he refused to let the remainder be put ashore. These hundred and seventeen slaves were the last that were openly landed and sold in the Cape Colony; but it was discovered at a later period that some had been smuggled in.

With the earl of Caledon's concurrence, Mr. Tennant directed the vessel to proceed with the balance of her freight to South America. On the passage she was captured by his Majesty's brig *Harrier*, and was sent back to Table Bay with a prize crew, on the ground that the owner of the slaves was a British subject. Her arrival—in January 1808—caused a good deal of perplexity. The ship was in need of repair, and so the slaves were placed on Robben Island until some decision could be come to. But in a south-east gale she parted her cable, was driven to sea, and was finally wrecked on Jutten Island. The governor then made up his mind. The negroes could not be left where they were, they could not be sold as slaves in the colony, and they could not be exported, so Mr. Tennant was obliged to content himself with having them apprenticed to him for a period of seven years.

In July 1807 Lord Caledon proposed to the secretary of state that the government slaves should be sold, and the lodge be converted into public offices. Under the Batavian administration the establishment had been greatly reduced, and at this time it consisted of only one hundred and eighty-nine men, seventy-three women, and twenty-three children. Some of the men and women were so old and infirm as to be unfit for severe labour, and the cost of their maintenance was greater than the benefit derived from them. All the public offices were in the castle, where room was required

for the military staff, so that a double purpose would be served by getting rid of the slaves. His Excellency was of opinion that it would be more advisable to sell them than to set them free, as in the latter case they would almost certainly become idle paupers. "The law," he wrote, "affords the slaves ample redress against the ill-usage of their masters, nor does the bad treatment of them often require its intervention."

The governor's proposal was modified by the secretary of state in such a manner that the inmates of the lodge were not put up to public auction; but respectable people—especially military officers—were permitted to select slaves and to remove them on payment of £30 for each one, the governor's permission in every instance being necessary. In this manner the number was slightly reduced, and in August 1810 those who remained were confined to one wing of the lodge, and a portion of the space vacated was converted into chambers for the judges. Another portion was cleared away, and on the vacant ground was constructed the present hall of justice, which was opened for use on the 19th of January 1815. In March 1811 the slaves who were left were removed to a smaller building at the upper end of the garden, in the grounds of the present South African college. The western wing of the lodge was then converted into offices. At the same time a roadway—named Bureau-street—was opened between the Heerengracht and Church-square, the church grounds having previously extended to the side wall of the lodge. Gradually different officials were moved from the castle, the colonial secretary remaining there until the 1st of March 1814; and the old slave lodge—greatly altered, however, and partly rebuilt—became, what it still remains, suites of offices for various departments of government.

For nearly three years after the surrender of General Janssens the utmost tranquillity prevailed throughout the western part of the colony, but in October 1808 a slight disturbance took place among the slaves on the corn farms in Zwartland, the present district of Malmesbury.

In Capetown there was living a slave named Louis, a native of the island of Mauritius. His wife was a free woman, and he paid his owner a fixed sum monthly and worked about town, a custom not uncommon in those days. The old law that people of half European blood should be free on coming to the age of twenty-five years had long before this time fallen into disuse,—except when the owner of a slave woman was the parent of her children, in which case the offspring of the connection could not be kept in bondage after their father's death,—and Louis was so light in colour that he was able to pass for a white man. In his house a young Irish labourer, named James Hooper, occasionally lodged; and between them a wild impracticable plan was concocted for setting at liberty the whole slave population. They purposed to induce a large number of blacks in the country to join them, and then to make themselves masters of Capetown and proclaim a general emancipation.

The next to enter into the conspiracy was a black slave named Abraham, who was born at the Cape. Early in October Hooper and Abraham rode on horseback to the farm of Pieter Louw, at the Zwartland, where Hooper represented himself as a traveller and the black as his servant. They stayed there overnight, and Abraham persuaded the slaves, who were numerous, to join the plot. After their return to Capetown, a young Irish sailor named Michael Kelly became their associate.

On the 24th of October 1808 Hooper hired from a livery stable a tent-waggon with eight horses, stating that it was for an English officer who was going to Rietvlei on duty. He, Louis, Abraham, and Kelly then went in the waggon to Louw's farm in Zwartland, where Louis, who was dressed in military costume and wore a sword, was represented as a Spanish sea-captain. Louw was not at home, but his family entertained the strangers in the usual hospitable manner. Next morning early the two white men abandoned the enterprise and left the place on foot, but Louis and Abraham were joined by ten slaves and a Hottentot, and, taking possession of Louw's

waggon, they proceeded to the farm of Willem Basson. Here they announced that the fiscal had given orders for all the slaves to repair to Capetown to be set free, and that the white men were to be made prisoners.

Being joined by Basson's slaves, they took possession of his horses, vehicles, guns, ammunition, and whatever provisions they could find. In this manner thirty-four different farms at Zwartland, Koeberg, and Tigerberg were visited, from each of which the white men, after being bound, were removed, and all the horses, carts, waggons, guns, and ammunition were taken away. Provisions and brandy were also freely appropriated, but not a drop of blood was shed during the whole of the rash proceedings. In some places the slaves refused to join the insurgents.

On the 27th the different parties into which the band had divided turned towards Capetown, which was then garrisoned by nearly five thousand soldiers. That evening the occurrence was reported to the governor, who at once sent out a strong body of cavalry and infantry, and within a few hours three hundred and twenty-six slaves were made prisoners without the slightest resistance. Five of the leaders escaped at the time, but were apprehended shortly afterwards.

A brief examination by the fiscal showed that far the greater number of the insurgents really believed they had been acting under his orders, in consequence of which all but fifty-one were sent back to their masters, with a caution to be more careful in future. The white men who were confined in waggons were released, and the plundered property was restored to its owners.

The fifty-one prisoners were brought to trial before the high court of justice, and on the 7th of December sentence was pronounced. Sixteen were condemned to be hanged and their bodies to be afterwards exposed in various places, one was acquitted, and the remaining thirty-four were condemned to various kinds of punishment. The sentences were mitigated by the governor, however, so that only Louis, Hooper, Abraham, and two slaves who had taken a leading part, were hanged.

and afterwards exposed in chains. Seventeen suffered various punishments ranging from being flogged to imprisonment with hard labour in chains for life, and the others, after witnessing the executions, were sent back to their masters.

Upon the abolition of the oceanic slave trade, the Cape Colony was made the receptacle for negroes rescued in the southern seas, a most undesirable class of people to be introduced into a country adapted for European colonisation. Such British vessels as were detected with slaves on board, and such slave ships belonging to nations at war with England as were captured by British cruisers, were sent to Table Bay to be condemned by a court of admiralty. A few of the negroes were then selected for service in connection with the army and the ships of war on the station, the others were placed under the care of the collector of customs, and were apprenticed by him for a period of fourteen years to such persons as he approved of. In this manner was introduced a considerable proportion of the people from whom the present coloured population of the colony is descended.

The great extent of the districts into which the colony was divided made proper supervision by the landdrosts impossible, but the public revenue was insufficient to enable the government to reduce their size and increase their number as much as could be wished. After a careful examination of the country by a special commissioner—Lieutenant Colonel Collins,—who drew up an exhaustive report upon the subject, the earl of Caledon went as far in this direction as the means at his disposal would admit of.

On the 1st of February 1808 a portion of the district of Stellenbosch was cut off and added to Tulbagh. The new boundary of Tulbagh was declared to be the Berg river from its mouth to the junction of the Koopmans river, the Koopmans river to its source, the mountain range to Baviaans' Kloof, and a line crossing the Bosjesveld in a north-easterly direction through Gorees Hoogte to the Zwardebergen. The opstal of the farm Jan-Dissel's-Vlei was purchased from Mr. S. van Reenen for six thousand rixdollars, and a deputy landdrost

was stationed there, to collect revenue and exercise jurisdiction in petty cases. He was subject to directions from the landdrost of the district. Mr. Daniel Johannes van Ryneveld received the appointment of deputy landdrost, and held the situation until the 1st of January 1810, when he was succeeded by Mr. Jan Hendrik Fischer.

On the 31st of March 1809 the court of commissioners for petty cases in the Cape district was abolished, and a court of landdrost and six heemraden was created, so as to bring the system of administering justice into uniformity with other parts of the colony. A distinction, however, was made between Capetown, Simonstown, and the remainder of the district. In Simonstown a deputy fiscal was stationed, who held a court for the trial of petty cases, and the landdrost and heemraden had no judicial authority, but performed municipal duties and the duties of a matrimonial court. In Capetown the landdrost and heemraden succeeded to the duties of the court of commissioners for petty cases and the matrimonial court, but had no other authority, the burgher senate being charged with municipal duties. In Capetown was included the suburb Papendorp—now Woodstock—until the 23rd of April 1814, when the military lines between Fort Knokke and the Devil's peak were declared the boundary between the town and the district. In all other parts of the old Cape district the landdrost and heemraden had the same powers and duties assigned to them as similar boards elsewhere. Mr. J. Zorn was appointed first landdrost.

On the 23rd of April 1811 that portion of Swellendam east of the Gaurits river was proclaimed a separate district, and received the name George, in honour of the reigning king. Mr. Adriaan Gysbert van Kervel was appointed its first landdrost, and was stationed at the old government post of Outeniqualand. In June a village, which received the same name as the district, was laid out there, and erven were granted in it free of charge to six families of woodcutters who had previously been living on the border of the neighbouring forest. On the 8th of October thirty erven were sold by public auction.

Buildings then began to be erected, but the growth of the village was slow, though shortly afterwards it was made the centre of a new congregation of the Dutch, reformed church. In May 1812 the reverend Tobias Johannes Herold, a young colonist who had just returned from completing his studies in Europe, was appointed clergyman of George, but was not required to assume the duty until a parsonage could be built. Landdrost Van Kervel nominated the first elders and deacons, who were formally approved by the governor on the 9th of February 1813. Two months later Mr. Herold arrived in the village, and public services were thereafter held in a farmhouse in the neighbourhood until a place of worship could be erected.

On the same date that the eastern portion of Swellendam was thus cut off, that district was extended westward by the addition to it of a tract of land taken from Stellenbosch. The new boundary was declared to be the Steenbrazem river to its source, and thence a line running west of Houw Hoek and Genadendal to the mountain range. But as a deputy landdrost was stationed at the Zwartberg baths, now the village of Caledon, the chief official had no other duty than that of general supervision to perform in the western part of the district. Mr. Jan Hendrik Frouenfelder was appointed deputy landdrost.

A congregation of the Dutch reformed church had already been formed at the Zwartberg baths. In the preceding year a few pious farmers—Messrs. W. Wessels, P. L. de Bruyn, J. P. Marais, and H. I. Swart—requested leave to build a church in that neighbourhood, which led the governor to found a village and station a clergyman there. The farm on which the baths were situated belonged to Mr. J. Rademan, but he was willing to sell it, and on the 21st of December 1810 it was transferred to the government for ten thousand rixdollars. Building lots were laid out upon it, and with the proceeds of their sale the treasury partly recovered the purchase amount of the property. The landdrost of Stellenbosch then nominated elders and deacons, who were approved by the governor on the

27th of May 1811. The reverend M. C. Vos was transferred from Zwartland's church to the new village, where he commenced duty shortly before the other members of the consistory were appointed. A place of worship was opened for use on the 1st of January 1813.

In October 1808 an expedition was fitted out by order of Lord Caledon, with the object of exploring the country between Lithako and the Portuguese province of Mozambique. It consisted of Dr. Cowan, assistant surgeon of the 83rd regiment, and Lieut. Donovan with twenty Hottentots of the Cape Corps. They had as guides a white man named Kruger and a halfbreed, both of whom had for many years been wandering among the Betshuana and Korana tribes. The missionary Anderson accompanied the expedition as far as the principal kraal of the Bangwaketsi, who are described in a letter from Dr. Cowan as "so far civilised that the wealthy inhabitants are possessed of slaves and servants." Dr. Cowan's letter was dated on the 24th of December, from latitude $24^{\circ} 30'$ S., longitude 28° E., but the latter is probably incorrect. From this place Mr. Anderson turned back, and brought to the colony the last authentic tidings of the expedition. Nothing certain is known of the fate of the explorers. According to reports received from individuals of the southern Betshuana tribes during the next few years, they were all murdered by people farther north; but these accounts differ greatly, and cannot be relied upon. It is now generally supposed that they perished of fever when not very far from Mozambique.

The Moravian institution at Genadendal had proved of the greatest utility to the Hottentots there. The missionaries, working quietly and avoiding interference with political questions, were esteemed alike by the government, passing strangers, and the colonists in general; while the results of their labours were visible not only on their own grounds, but in the appearance and conduct of the people under their care who went out to work among the farmers. The only objection to their system was made by missionaries of other denominations, who were

of opinion that the Moravians kept their pupils under tutelage to such an extent that they could not exercise the social and political rights of men. But that was just the feature of their system most admired by thoughtful observers who admitted that people emerging from barbarism require constant guidance and control.

Lord Caledon was so impressed with the good work done by the Moravians at Genadendal that he urged them to form another station. In the large tract of land called Groenekloof there had been from the early days of the settlement a location reserved for the remnant of the Hottentot clans that under the name of Cochoquas, Goringhaiquas, and Gorachouquas, were found in possession of the whole Cape district when white men first settled in South Africa. Small-pox and brandy had nearly exterminated those people, but still a few remained, with whose blood that of Europeans and of negro slaves had been mixed sufficiently to give them some stamina. When Groenekloof was set apart as pasture ground for the butcher who contracted to supply the government with meat, it was stipulated that he should not deprive the Hottentots of any land which they required for their own use. But after the terrible loss of life occasioned by the first outbreak of small-pox, the government thought it better to reserve a special tract for the natives, and this had ever since been in their possession. It was not surveyed, nor was a title-deed issued, but white people were prevented from encroaching upon it, and it was as well defined as the ordinary loan farms. This reserve, which was called Louwskloof, adjoined the government farm Kleine Post, upon which there was a good dwelling house and some outbuildings.

In December 1807 Lord Caledon invited the Moravians to establish a mission there, and offered them for the purpose the Kleine Post and the tract of land called Cruywagens Kraal, which together with Louwskloof would make a commodious station. The offer was accepted, and in March 1808 the mission was commenced. The new station was named Mamre. As a civilising centre it was for several years not very success-

ful, and it never attained the importance of Genadendal, though in course of time a great improvement was effected in the condition of the coloured people who had previously resided there, as well as of those who were afterwards attracted to the place by the presence of men who took the warmest interest in their welfare.

The London society's station of Bethelsdorp was not regarded with favour by the authorities. Outside of the missionary circle an opinion was unanimously held that no good was being done there, that the Hottentots were encouraged in idleness, and that the place was a retreat for bad characters. Men who cannot be suspected of unfriendly feelings towards the native races or the Christian religion agreed with the colonists that it would be better if the station were broken up. Major Richard Collins, of the 83rd regiment, who was directed to inspect and report upon it, recommended that the London missionaries should not be permitted to teach Hottentots, but be confined to the Bushmen on the northern border, where they should be placed under the superintendence of respectable farmers; and he advised that the people assembled at Bethelsdorp should be allowed the choice of retiring to one of the Moravian stations, or of going into service with colonists. The judges of the high court of justice, the military officers at Fort Frederick, and the landdrost of Uitenhage concurred in this opinion.

Lord Caledon thought that if the station was moved to more fertile ground in the neighbourhood of Plettenberg's Bay it might answer better, and in December 1807 he directed Mr. Faure, landdrost of Swellendam, to meet Dr. Vanderkemp at the house of Mr. George Rex, an English gentleman residing on the farm Melkhoutkraal at the Knysna, and select a suitable place. But Messrs. Faure and Rex reported that "nothing could be done or proposed satisfactory to Dr. Vanderkemp." The governor then declared his resolution to remove two-thirds of the Hottentots to some better place, and to prohibit Kaffirs from settling at Bethelsdorp; but he did not carry his intention into effect.

A great many complaints having been received concerning depredations by Bushmen along the northern border, early in 1808 Lord Caledon sent Major Collins to inspect the country and, if possible, to devise some remedy. The major ascertained that the complaints were not exaggerated; but the suggestions which he made could not be carried out.

In the following year the same officer, then a lieutenant-colonel, was sent to explore the country north-east of the colony, and to ascertain the condition of the different branches of the Xosa tribe. To enable him to carry out his duties thoroughly, he was appointed special commissioner of the districts of Uitenhage and Graaff-Reinet, and was empowered to issue any instructions there that he might consider necessary for the public welfare.

On the 23rd of January 1809 Colonel Collins, with Dr. Cowdery, who was assistant surgeon of the 83rd regiment, Mr. Andries Stockenstrom junior, and a party of attendants, left the village of Graaff-Reinet, and travelled almost due north to the Orange river. They then traced the stream upward, and on the 3rd of February saw a river of considerable size pour its waters into the Orange on the side opposite to that on which they were. Colonel Collins named it the Caledon in honour of the governor. Two days later they crossed a stream which was known to be the same that at its source was called the Stormbergspruit by the farmers of the Tarka, so no name was given to it. On the 7th they came to another stream of considerable size flowing from the south into the Orange. Colonel Collins named it the Grey river, in honour of the lieutenant-governor and commander of the forces, but it is now known as the Kraai. The party could not find a ford to cross this stream, so they kept up its left bank for a short distance, and then turned towards the Tarka. In the previously unknown country through which they had travelled there were no inhabitants except a few Bushmen and a little party of Xosas of the Imidange clan, under the petty captain Dlela, who had wandered away from the rest of their people.

The travellers now directed their course south-eastward until they crossed the Amatola mountains, when they turned to the north-east, and passed the Kei just below the junction of the Kabusi. A ride of three hours from the Kei brought them to the kraal of Buku, right-hand son of Kawuta, and chief of a large section of the Galekas. Another ride of six hours brought them to the kraal of Hintsza, great son of Kawuta, and consequently paramount chief of the whole Xosa tribe. His kraal was in sight of the sea, about midway between the Kei and Bashee rivers. Colonel Collins ascertained that a few years previously Hintsza had resided on the right bank of the Kei, but owing to a quarrel with Gaika he now kept east of that river. He was on good terms with the Tembu tribe, and was nearly related to its paramount chief Vusani, then a minor, his mother having been a sister of Ndaba, Vusani's father. The Tembus lived near the sea between the Bashee and Umtata rivers, but one small clan of that tribe, under a petty captain named Tshatshu, occupied a kraal only a few miles east of the Tsomo.

On the coast near Hintsza's kraal two white men were found living after the manner of savages. One was a deserter from the British army, named Henry McDaniel, the other was a South African named Lochenberg. They could not be induced to return to the colony.

The travellers went no farther than Hintsza's kraal. They returned by the upper Keiskama, where they had an interview with Gaika, who was found very poor, as his enemies had driven off nearly all his cattle. The country from the Kei to the colonial boundary was without inhabitants, except in the valleys of the upper Keiskama and Kat rivers.

In the Zuurveld Colonel Collins visited Ndlambe and his son Umhala, and ascertained that there was not the slightest intention on their part to leave the colony. At Uitenhage he issued an order requiring the farmers to dismiss their Kaffir servants and interdicting intercourse of any kind between the white people and the Xosas.

In his report to the governor, dated 6th of August 1809, Colonel Collins advised that the Xosas in the colony should be expelled by force, and that plots of land only one hundred and twenty acres in extent should be offered to Europeans at a very low rent, so as to obtain a tolerably dense population in the Zuurveld. He recommended that the boundary farther north should be extended to the Koonap river, and the district thus annexed be filled with colonists in the same manner. There was not then a single hut west of the Koonap, but to avoid all semblance of wrong-doing he thought the land should be purchased from the Xosas. If this were not done it would be impossible to settle a population sufficiently dense to protect itself on that part of the frontier, as the ground on the existing colonial side had been given out in farms of three miles diameter. Further, he was in favour of establishing magistrates close to the boundary, so as to prevent intercourse between the colonists and the Xosas and to maintain order. It was not possible, however, for the governor to carry out his proposals in these respects, even had he been disposed to attempt to do so.

In 1809 a radical change was made in the legal position of the Hottentots within the colony. The theory of the Dutch law was that they were a free and independent people, entitled to govern themselves and to come and go when and where they liked except upon private property. Their personal liberty had never been interfered with, except in the instance of children of Hottentot mothers and slave fathers, born and reared upon farms, who could be claimed as apprentices upon reaching the age of eighteen months, and in the instance of a small number of individuals of both sexes who lived in a disreputable manner on the Cape flats and in the outskirts of the town, who were placed under strict surveillance by a resolution of the council of policy on the 29th of June 1787. They were regarded as subject to the colonial courts only in cases where the interests of white people were affected. They paid no taxes, and could not be called out for public services as white men were.

This was the theory of the law, but in point of fact tribal government of the Hottentots had long since ceased to exist within the colonial boundaries. There were still plots of land reserved for their use, and at each reserve there was a captain acknowledged by the European authorities, but he had really little or no power. The great majority of the Hottentot people were of their own accord living with farmers, and regarded the poorest white man with much greater respect than they regarded the hereditary chiefs of their own race. Thus it became a necessity for the European courts of law to take cognisance of such crimes as murder and assault committed by one Hottentot against another not on a reserve; but in general petty offences among themselves went altogether unpunished.

This system was very objectionable to the British administration from 1795 to 1803, but no attempt was then made to alter it. To General Janssens it seemed natural enough, and in his agreement with Klaas Stuurman he marked his approval of it, much to the astonishment of the succeeding government. The earl of Caledon resolved to do away with it entirely, and on the 1st of November 1809 he issued a proclamation which removed all vestiges of chieftainship from the Hottentots in the colony, and restrained those people from wandering about at will.

The preamble of the proclamation asserts a necessity that Hottentots, in the same manner as other inhabitants, should be subject to proper regularity in regard to their places of abode and occupations, and that they should find encouragement for preferring to enter service rather than lead an indolent life, by which they were rendered useless to themselves and the community at large.

The governor therefore ordained that every Hottentot in the different districts of the colony, in the same manner as other inhabitants, should have a fixed place of abode; that an entry thereof should be made in the office of the fiscal or the respective landdrosts; and that no Hottentot should change his residence from one district to another without a certificate from the fiscal or the landdrost of the district from which he

was removing, which certificate he was to exhibit to the fiscal or the landdrost of the district where he intended to settle, for the purpose of having it registered. Every Hottentot who should neglect this regulation was to be considered a vagabond, and be treated accordingly.

All contracts of service of Hottentots for a month or a longer period were to be made in writing before the fiscal, a landdrost, or a fieldcornet, and a copy was to be registered. In case of this not being done, the Hottentot could claim the benefit of the engagement, but the employer had no ground for action. Ample provision was made in the proclamation for the enforcement of punctual payment of wages, for the release of the Hottentot upon expiration of the term of service, and for his protection from ill treatment.

Lastly, every Hottentot going about the country was required to be furnished with a pass, either from his commanding officer if he was in the military service, or his employer, or the magistrate of the district, under penalty of being considered and treated as a vagabond. All persons were empowered to demand a pass from any Hottentot who appeared on their farms, and in case of his not being provided with one, to deliver him up to a fieldcornet, landdrost, or fiscal.

From this date Hottentots in every case were regarded as subject to the colonial courts of law, to taxation, and to be called upon to perform public services. A few small clans that were desirous of remaining independent moved over the Orange river into Great Namaqualand, but a vast majority of the people accepted the new condition of things without murmur. Certainly no measure could have been more advantageous to the Hottentots than this, though it was strongly opposed at a later date by the philanthropic societies in Great Britain as having a tendency to force them into service. It is hardly too much to say that it saved them from utter destruction.

The locations assigned by General Janssens to people of this race had in no instance answered their purpose. Not a family of those sent from Rietvlei in 1803 remained upon the

ground allotted to them, their love of change and of a wandering life having overcome any desire they ever had for a place that could be called home. After 1806, therefore, the ground was not spoken of or regarded as reserves for their use. The location given to David Stuurman and his people on the Gamtoos river was occupied some years longer, but from the first it was a public nuisance. Stuurman, who was a ruffian by disposition and who was guilty of many crimes of violence, harboured Xosas there, and made his kraal a place of refuge for idlers and bad characters. He entered into an agreement with Cungwa, which was to all intents and purposes an offensive and defensive alliance against the colony. In 1810 he proceeded so far as to set the European authorities at defiance. Having given shelter to two runaways from contracts of service, whom he refused to surrender and prepared to protect by force, he was summoned to appear before the court of the landdrost, but did not obey. An armed party was then sent against him, and he was captured with some difficulty. He was tried by the high court of justice and sentenced to imprisonment for life, when the location was broken up. There remained then to the Hottentots as permanent places of abode only the reserves that had been theirs from early Dutch times and the mission stations Genadendal, Mamre, and Bethelsdorp.

In a small society like that of Capetown at the beginning of the nineteenth century, the acts of a single erratic individual are often sufficient to keep the whole community in a condition of turmoil. During the greater part of the time that Lord Caledon was governor the leading people of the place were frequently annoyed by anonymous letters, containing threats, criticisms of their conduct, and aspersion of their characters, without anyone suspecting the real author. There was as yet in the colony no clergyman of the English church except the military chaplain. The first who officiated in that capacity was the reverend R. E. Jones, who had been clergyman of the ship in which General Grey had taken his passage from England, and had been favoured by that officer with the

temporary appointment of chaplain to the garrison. This he held until the 7th of December 1807, when the reverend Dr. Laurence Halloran arrived to fill the situation permanently. Dr. Halloran subsequently received the additional appointment of chaplain of the *Leopard*, with leave to reside on shore, and was thus required by the authorities to perform the duties of a clergyman for both branches of the service.

The Dutch congregation lent their place of worship, and Dr. Halloran held service for the English residents every Sunday. He was a man past middle age, well educated, and possessed of considerable ability. He wrote poetry which was above the medium order of merit. But he was not at all a lovable man, and there was something even in his appearance that was unattractive. His disposition was quarrelsome, and his pulpit utterances were often galling. As an instance, after a rupture with the government one Sunday he preached from the text *Alexander the coppersmith did me much evil: the Lord reward him according to his works*, and directed his remarks at the colonial secretary, Mr. Henry Alexander, the governor's cousin.

The Latin school in Capetown had been resuscitated by the commissioner De Mist, and the situation of rector being vacant, Dr. Halloran applied for it, and obtained the appointment. He hoped to hold it without giving up the military chaplaincy, but on the very day that he commenced the duty—1st of June 1810—he received from General Grey, whom he had annoyed, an order to remove to Simonstown, where a body of troops was stationed. This led to his resigning his appointment in the army, pending the pleasure of the king. A few weeks later General Grey received several anonymous letters, in one of which there was a quotation in Greek that was recognised as the ordinary handwriting of Dr. Halloran. This was reported to the governor, who ordered him to be brought to trial for the offence.

He was charged before the high court of justice with writing, composing, and publishing infamous libels against General Grey. For some time he refused to plead, as he denied the com-

petency of a Dutch court to try a man holding an appointment in the British army until the resignation of that appointment was accepted by the king. This, of course, availed him nothing, and upon being found guilty, on the 10th of December 1810 he was condemned to be banished for ever from the colony and to pay the costs of the prosecution. Further, for offensive and slanderous expressions to the court, he was sentenced to pay a small fine and to be detained in prison until he could be sent out of the country.

This sentence was confirmed by the court of appeal for criminal cases, and it was carried into effect by Dr. Halloran being confined for five weeks and then being sent home in a prize ship taken from the French. Upon his arrival in England, he attempted to create sympathy by publishing the records of the trial; but, instead of that he drew upon himself an inquiry into his past life, when it was discovered that his certificate of ordination was forged. His title of doctor in divinity had been obtained by favour from the university of Aberdeen.

This discovery caused some anxiety at the Cape, as he had united a good many couples in marriage, and it was feared that such marriages might not be valid in law. The matter was set at rest, however, by an opinion of the law officers of the crown that "the marriages solemnised at the Cape of Good Hope by the person officiating as a clergyman under assumed or forged orders could not be vitiated or invalidated in any manner by the defect of the holy orders of priesthood imputed to him."

In England Dr. Halloran assumed various names, and by means of spurious documents obtained employment as a clergyman in several places. His last situation was that of curate of Brosely in Shropshire, where he quarrelled with the rector, Dr. Townsend Forester. Dr. Forester then caused him to be prosecuted for having franked a letter in the name of Sir William Garrow, a member of parliament, and on the 30th of September 1818 he was sentenced at the Old Bailey to seven years' transportation for having defrauded the post-

office of tenpence. He was sent to New South Wales, and died there.

The last possessions of France in the East were the islands of Mauritius and Bourbon, and from them great damage was inflicted upon British commerce. Fast sailing vessels of war and privateers left their ports, and returned after cruises with prizes laden with European and Indian produce, which was sold to neutrals, principally Americans, for supplies of food. The fleet of war on the Cape station was therefore strengthened, and early in 1809 a strict blockade of the islands was commenced. On the 10th of January 1808 Rear Admiral Stirling had sailed for England, leaving Commodore Josias Rowley in charge of the squadron. On the 1st of August 1808 Vice Admiral Albemarle Bertie arrived, and it was under his directions that the blockade of the French islands was conducted.

Of the ships mentioned on a preceding page, the *Diadem* and *Paz* sailed for England in January 1808, the *Cormorant* followed in July and the *Grampus* in November of the same year. The *Laurel* was captured off Port Louis on the 12th of September 1808 by the French ship *La Cannoniere*, of 52 guns, after a gallant defence of an hour and a half. The *Harrier* was lost at sea in March 1809. The *Raisonnable*, *Staunch*, *Otter*, and *Sapphire* were still on the station when the blockade commenced. To these were added the *Nereide*, 32-gun frigate, which arrived in February 1808, the *Charwell*, 16-gun sloop, which arrived a month later, the *Leopard*, 50-gun ship, which arrived in August 1808, the *Olympia* and *Sylvia*, 10-gun cutters, which arrived in September 1808, the *Caledon*, purchased at the Cape in November 1808 and fitted out as a sloop of war of 16 guns, the *Racehorse*, 18-gun sloop, which arrived in February 1809, the *Iphigenia*, 36-gun frigate, which arrived in April 1809, the *Sirius* and *Boadicea*, two 38-gun frigates, which arrived in May 1809, and the *Magicienne*, 36-gun frigate, which arrived in November 1809.

The result of the blockade was that as soon as the trade by neutrals was cut off the inhabitants of Mauritius and Bourbon were reduced to distress for want of provisions. Then, in July,

the little island of Rodriguez, lying some distance to the eastward of Mauritius, was occupied by a body of troops sent from India under command of Lieutenant Colonel Keating, the object being to use it as a base of operations for the reduction of the French possessions.

On the 21st of September 1809 the British blockading squadron under Commodore Josias Rowley with a detachment of troops from Rodriguez under Lieutenant Colonel Keating made a sudden descent upon the harbour and town of St. Paul's in the island of Bourbon, and succeeded in getting possession of the batteries and shipping. Among the prizes were *La Caroline*, a 44-gun frigate, the *Grappler*, an 18-gun corvette, and the *Streatham* and *Europe*, two captured English Indiamen with very valuable cargoes on board. All the batteries, magazines, and public warehouses were destroyed, not a gun or a cartridge was left in the place, and the attacking force then withdrew, being unable to supply a garrison strong enough to maintain possession. In the following year, however, nearly four thousand soldiers were sent from Madras to Rodriguez, where an additional detachment was embarked in transports, and under convoy of the *Boadicea*, *Sirius*, *Nereide*, *Magicienne*, and *Iphigenia*, under Commodore Rowley, sailed for Bourbon. The garrison of the island was too weak to resist such a force, and on the 8th of July 1810 Bourbon was taken. Mr. R. T. Farquhar assumed duty as governor, and an ample number of soldiers was left to support him.

An attack was then planned upon the more important island of Mauritius. On the 14th of August the islet Passe, partly commanding the entrance into Port South-East, was taken by the boats of the *Sirius* and *Iphigenia*, and a hundred and thirty soldiers were stationed on it as a garrison. Six days later the French frigates *Bellona* and *Minerva* with the corvette *Victor* and the captured English Indiamen *Ceylon* and *Windham* ran into the port, but the *Windham* was cut off before reaching the anchorage. On the 23rd Captain Pym, of the *Sirius*, who was acting as commodore of the blockading squadron, resolved to attack the French vessels, and with his own ship

the *Nereide*, *Magicienne*, and *Iphigenia*, stood in for that purpose. Unfortunately the *Sirius*, *Nereide*, and *Magicienne* ran aground in a position where they were exposed to the fire of the land batteries as well as to that of the French frigates, and were consequently soon overpowered. The crews of the *Sirius* and the *Magicienne* escaped to the islet Passe after setting fire to their ships. The defence of the *Nereide* by Captain Willoughby and his gallant crew was one of the most memorable in the records of the British navy, for she was only captured when there was not a single living man on board unwounded. The *Iphigenia* anchored under shelter of the battery on the islet Passe. On the 24th the French frigates *La Venus*, *La Manche*, *L'Astrea*, and *L'Entreprenante* arrived from Port Louis, and the *Iphigenia* and all those on the islet were obliged to surrender.

Of the whole blockading force, there now remained only the frigates *Africaine* and *Ceylon*, belonging to the Indian squadron, and the 38-gun frigate *Boadicea*, the 18-gun sloop *Otter*—almost unfit for service—and the 10-gun brig *Staunch*. The three last named were then at Bourbon. At the Cape there were only the *Nisus*, 38-gun frigate, which had just arrived to join the squadron, and the *Olympia* cutter; the *Sylvia* having been sent to England in December 1808, the *Sapphire* in January 1810, the *Raisonable*, *Charwell*, and *Caledon* in March, and the *Leopard* in July 1810, all as protectors of convoys. The *Racehorse* also had gone to England with despatches, and was still absent, though on her passage back. Strong reinforcements, which were on their way out, did not arrive at the Cape until some weeks later.

On the 27th of August Commodore (afterwards Rear Admiral Sir Josias) Rowley was informed of the disaster at Mauritius by some of the *Magicienne*'s crew who escaped in a boat. He at once stood towards the larger island with his three vessels, and on the 13th of September saw at a distance to windward the *Africaine* attacked by two French frigates, but could not reach the scene of action in time to assist her. On his approach the enemy's ships made all sail, and the *Africaine*, which had struck her colours, was found dismasted and little better than

a wreck. Her defence had been almost as heroic as that of the *Nereide*. Captain Corbett, who commanded her, had the reputation of being excessively severe to his seamen, but he was as fearless as a lion. He fought his ship to the last extremity, and fell dead before her flag was struck. Legends of his gallant conduct and of the respect paid to his remains by the French officers who boarded the ship were current in Capetown until the century was far advanced. Commodore Rowley took the *Africaine* in tow, and enabled her to reach Bourbon safely. On the 18th of the same month he fell in with the French frigate *La Venus*, of 44 guns, and after a single broadside captured her. On the morning of the same day *La Venus* had engaged and taken the *Ceylon*, and this ship was now also recovered. Thus, within five days, the *Boadicea* rescued two English frigates that had been made prizes and captured a French ship larger than herself. The *Otter* had by this time become quite unserviceable, and in October she was sent back to England.

Meantime the government of India was fitting out a strong force, which was to sail under adequate convoy from Bengal, Bombay, and Madras, and be joined at Rodriguez by ships and troops from Bourbon and the Cape of Good Hope. The 24th regiment had been sent from Capetown to India in June, and had not yet been replaced, but it was arranged that two battalions should be supplied from the South African garrison. Vice Admiral Albemarle Bertie was to take command of the combined fleets and Major General the honourable John Abercrombie of the land forces, and make a descent at Grand Bay, about twelve miles from Port Louis. This plan was carried out successfully, except that the transports with the soldiers from the Cape did not arrive in time. On the 29th of November 1810 the fleet, consisting of about seventy sail of men of war and transports, came to anchor in Grand Bay, and the troops were at once set on shore. General De Caen, the French governor of the island, recognised the impossibility of successful resistance, and offered to capitulate. While the terms were being discussed the contingent from the Cape arrived, consisting of a hundred artillerymen and

the 72nd and 87th regiments of the line, which were kept by General Abercrombie as a garrison for the island when most of the other troops were sent back to India. On the 3rd of December the capitulation was completed, and Mauritius became a British possession, which it has continued to be to the present day. Mr. Farquhar, who removed from Bourbon, was its first English governor. Captain Josias Rowley was transferred from the *Boadicea* to the *Menelaus*, and was sent to England by Vice Admiral Bertie with despatches announcing that the French flag had disappeared from the Indian seas.

Upon his return to the Cape from Mauritius Vice Admiral Bertie found that Rear Admiral Robert Stopford had arrived to succeed him, and on the 5th of January 1811 the command on the station was transferred. The fleet then consisted of the *Boadicea*, *Nisus*, *Staunch*, *Olympia*, *Racehorse*—which had arrived again on the 6th of November 1810,—*Phœbe*, 36-gun frigate, which had arrived in September, *Eclipse*, 18-gun sloop, which had arrived in October, and *Scipion*, 74-gun ship, and *Astrea*, 36-gun frigate, which had arrived in December 1810. On the way out were the *President*, 38-gun frigate, *Galatea*, 36-gun frigate, and *Malacca*, 36-gun frigate, which arrived in February, and the *Harpy*, 18-gun sloop, which arrived in March 1811. The *Menelaus*, 38-gun frigate, and the *Acteon*, 18-gun sloop, had also been sent out to strengthen the Cape squadron, and had arrived in October 1810, but had been sent back to England in December of the same year. The *Boadicea* left the station in March 1811 to return to England, and the other ships were employed chiefly in guarding Mauritius and Bourbon and in assisting, under Admiral Stopford's command, in the operations against Java which resulted in the surrender by General Jan Willem Janssens of that island and its dependencies to the British arms on the 18th of September 1811.

During the administration of the earl of Caledon several improvements were effected in the country villages, and particularly in Capetown.

In August, 1808 the loan bank was made also a bank of discount and deposit, thereby facilitating commercial transactions. In June 1810 its capital was increased by half a million paper rixdollars, authorised by the secretary of state for the colonial and war department to be stamped for the purpose.

At the same time the secretary of state authorised the governor to issue another half million paper rixdollars with which to carry out public works of importance. This, which was equivalent to raising a loan without interest, was done as the funds were needed, the last issue being made in March 1814. With the money thus obtained the old slave lodge in Capetown was converted into public offices and the custom house was built, drostdy buildings were erected at Uitenhage, George, and Caledon, prisons at Swellendam, Uitenhage, and Graaff-Reinet, an English church—the first in the colony, opened for use in April 1814—was built at Simonstown, and a Dutch church at George. In addition to these, but from a different fund, the building now occupied by the public works department, on Buitenkant-street, facing the southern side of Caledon-square, in Capetown, was commenced by Lord Caledon's order, though it was not completed until 1814. A portion of it was for many years afterwards used as a public granary.

From this paper money also an amount equal to about £17,360 sterling was lent to the burgher senate for the purpose of constructing waterworks in Capetown. Ever since the seventeenth century water for domestic use was obtained either from wells or from a fountain near the northern end of the parade ground. The well water—except where underground veins were tapped—was regarded as impure, though it was used for many purposes. Into a reservoir above the government garden—the lowest of those now existing—some of the sources of the ancient fresh river were led, and from it the water was conducted partly in a course of masonry and partly in wooden shoots to the fountain on the parade, where the townspeople and the shipping

obtained their supplies. There was another fountain at the lower end of Caledon-square, fed from the same reservoir, but it was chiefly intended for the occupants of the castle and the barracks, and when private people were allowed as a favour to make use of it, they were obliged to wait until the military parties had taken as much as they wanted. In most families of respectability in the town, a slave was kept for no other purpose than to carry water from the fountain on the parade, just as another slave was kept to collect and carry fuel from the mountain.

Iron pipes, brought from England, were now laid along the principal streets, with taps at convenient distances, so that the comfort of the inhabitants was greatly increased. A special water rate was thereafter levied to meet the interest and gradually to pay off the capital expended. This work, though commenced during the administration of the earl of Caledon, was not completed until 1812.

Another improvement in the town was the lighting of the Heerengracht and Keizersgracht—the present Adderley and Darling streets—at night with oil lamps, which was carried out at the voluntary cost of the residents along those thoroughfares. The lamps were first lit in May 1809.

On the 4th of December 1809 several distinct shocks of an earthquake were felt in Capetown, and caused considerable damage to many houses. In 1811, on the 2nd and again on the 19th of June, shocks were felt at the same place. On these occasions the walls of some houses were cracked from top to bottom, but no great injury resulted.

Shortly after his arrival in the colony the governor, like several of his predecessors, expressed surprise that wool bearing sheep had not taken the place of the African breed, and resolved to bring about an exchange. In April 1808 he issued an order that the flockmasters in the district of Tulbagh were to be supplied as quickly as possible with full bred Spanish rams from Groote Post, free of charge, and they were required to substitute these for the African rams in their possession. After two years the district tax of

sixteen pence a hundred on sheep was to be increased to two pence on every one of African breed, and the rent of a farm on which African sheep were kept was to be raised from £4 16s. to £9 12s. a year. The breeders were warned that the leases of their ground would be cancelled if they were obstinate in resistance, and were informed that it was to be a fixed condition in all future grants of land that no African sheep were to be kept. But without the coöperation of the people the order to substitute Spanish for African rams could not be enforced, and the farmers, while using respectful language, found means to defeat the governor's intention. They continued to prefer the hardy native sheep, and after a while the order, with all the penalties attached to its neglect, was allowed to fall out of remembrance.

Between the earl of Caledon and Lieutenant General Grey there were conflicting opinions as to their respective powers in military matters, though like sensible men they did not allow these differences to affect either the interests of the public service or their friendly conduct towards each other. On one occasion the question in dispute was regarded by the governor as of such importance that he sent Mr. Alexander, the colonial secretary, to England to represent his views and to endeavour to obtain more explicit instructions on the subject than had previously been issued. The imperial authorities decided that the civil governor, though entitled commander in chief, had no military authority except over purely local forces, such as burghers on commando, and the Hottentot regiment, which was maintained at the cost of the colonial treasury. Still, it was recognised that circumstances might arise in which this decision would be detrimental to the public interests, so it was resolved that for the future the office of civil governor should be held by a military officer of high rank who should also be commander of the forces.

The earl of Caledon was well disposed towards the colonists, and in return they thought highly of him. In March and April 1811 he made a tour as far as Plettenberg's Bay,

for the purpose of becoming personally acquainted with the interior of the country, that he might be better able to give the secretary of state accurate information. Previous to setting out he had requested permission to resign the government and return to England, as he was about to be married. His resignation was accepted, and on the 4th of July he embarked in the ship of war *Curaçoa* in Simon's Bay and sailed that afternoon.

Next morning Lieutenant-General Grey took the oaths of office as acting governor. During the few weeks that he was at the head of affairs nothing of importance transpired, and he merely carried out the routine duties, without initiating new measures of any kind.

CHAPTER II.

LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, GOVERNOR, INSTALLED 6TH SEPTEMBER 1811,
RETIRED 6TH APRIL 1814.

As successor to the earl of Caledon and to General Grey, Lieutenant-General Sir John Francis Cradock was appointed. He was a distinguished military officer, the first of a series of veterans of the peninsular war who governed the Cape Colony until the introduction of a parliament. He had been commander-in-chief of the English army in Portugal from December 1808 to April 1809, when he was succeeded by Sir Arthur Wellesley, afterwards duke of Wellington. He then became governor and commander-in-chief of Gibraltar. He was a man of very high personal character, of an ancient Welsh family, though his father was archbishop of Dublin. At the time of his appointment to the government of the Cape Colony he was forty-nine years of age. His wife was a daughter of the earl of Clanwilliam. On the 5th of September 1811 Sir John Cradock arrived in Table Bay in the ship of war *Emerald*, and on the following morning took the oaths of office.

Ever since the conquest of the colony in 1806 the district of Uitenhage had been in a disturbed state, and matters there were constantly becoming more unsettled. The Xosas in the Zuurveld observed the conditions of peace no longer than suited their inclinations, and as soon as the white people in their neighbourhood got a few cattle together, robberies were renewed. Some individuals in England expressed an opinion that Europeans must have provoked the Kaffirs, but the closest investigation by officers of the government could not bring to light an instance in which colonists were the aggressors.

The quarrel between Gaika and Ndlambe—the rivals in the house of Rarabe—was kept up with great bitterness on both sides. Kawuta died about the year 1804, and his son Hintsia, whom all acknowledged as head of the tribe, favoured the party of Ndlambe. His object in doing so was to preserve a balance of power. Shortly after the death of Kawuta, Velelo, a half-brother of the deceased chief and one of the guardians of Hintsia during his minority, quarrelled with Gaika and led an army of Galekas to the Keiskama to attack him. Velelo was beaten, and Gaika followed him across the Kei, killed a good many of his people, captured his cattle, and made Hintsia a prisoner. The nominal paramount chief was not kept long in detention, but he was thenceforth exceedingly jealous of Gaika, and favoured Ndlambe as much as he could. He was not disposed, however, to give assistance in arms, so that the Cape government did not trouble about him.

The desire of the British authorities was that the whole of the Xosas west of the Kei should acknowledge Gaika as their head. He was the grandson of Rarabe in the great line, and Rarabe had occupied that position. But the clans of the Imidange, Amambala, Amantinde, Amagwali, and Amagunukwebe had only admitted Rarabe as their head on account of his personal prowess, and at his death they became independent of his branch of the tribe, as they had been before his famous exploits. They now claimed the right of remaining separate or of uniting with either of his rival descendants, at their pleasure.

Cungwa, head of the Gunukwebe clan, was next to Ndlambe the most powerful chief west of the Fish river. In 1808 he invaded the Longkloof, and built a kraal west of the Gamtoos river. Lord Caledon was trying every possible means to conciliate the Xosas, for not only was he personally inclined to treat them in the most liberal manner, but his instructions from the secretary of state were to avoid disputes and, above all, hostilities. In his dealings with them he was guided—as he afterwards wrote to his successor—by the advice of the fiscal Van Ryneveld, who laid down the maxim that “it was

better to submit to a certain extent of injury than risk a great deal for a prospect of advantage by no means certain." But if Cungwa were permitted to remain in the Longkloof, the coast lands as far west as Plettenberg's Bay must be abandoned by white people; and the governor could not make up his mind to that. He therefore gave the clan the choice either to occupy a permanent location near Capetown, where they would be separated from the rest of the tribe, or to return to their own country beyond the Fish river. In October 1809 Cungwa promised to retire to the Kaffir country at once; but instead of doing so he went into the mountains east of the Sunday river, and then sent his people to plunder far and wide. His sons Pato, Kobe, and Mama were each at the head of a small division of the clan.

The Imidange were now divided into fragments among the grandsons of Mahuta, whose rightful heir—Jalamba by name—had been killed in the war of 1781. The principal divisions, under Funu and Botumane, were allied with Gaika; the others, under the captains Koba, Kasa, Habana, and Gola, were in the Zuurveld. Kasa and his people had their kraal on the Zuurberg, and were regarded by the Europeans as the most expert robbers in the country.

The Amambala clan was also divided into fragments under the sons of Langa. The principal section, under the captain Eno (correct Kaffir spelling Nqeno), and two small companies, under Kaze and Galeba, were with Gaika; two other sections, under Kame and Tuli, were in the Zuurveld.

The Amantinde clan, under Tshatshu, was in the Zuurveld. Tshatshu's son of highest rank was living at Bethelsdorp with the missionaries.

The Amagwali clan, also in fragments under petty captains of no weight, was in the Zuurveld. The clan under Jalusa, son of Rarabe, was at this time living on the Keiskama in friendship with Gaika. There were also some five-and-twenty or thirty petty captains, sometimes to be found on the Keiskama, at other times on the Bushman's river, who never rose to any importance, and whose names need not be given.

Lord Caledon, having found conciliation useless, was about to call the burghers to arms to expel the Kaffirs from the Zuurveld if they would not retire upon a display of force, when he received a dispatch permitting him to return to England. General Grey did not feel justified in commencing operations that might end in a war, so he allowed the matter to stand over until the arrival of Sir John Cradock, though he authorised Major Cuyler to assemble a commando and call for military aid from Fort Frederick to prevent the marauders from advancing farther. When the new governor reached South Africa, he found reports awaiting him from the landdrost of Uitenhage, in which he was informed that there was only one farm still occupied east of the drostdy, and that there was no other choice left than the expulsion of the Xosas by force or the abandonment of the district by the government.

On the 8th of October 1811 orders were issued by Sir John Cradock to the landdrosts of Swellendam, George, Uitenhage, and Graaff-Reinet to call out the burghers of their districts for the purpose of driving the marauders over the Fish river. Lieutenant-Colonel John Graham, of the Cape regiment, was appointed commandant-general of the force and special commissioner for the eastern districts. He was instructed to use every exertion to persuade the Xosas to retire peacefully from the colony; but if they would not leave of their own accord he was to take the most effectual measures to repel them within their own boundaries. For this purpose he was to employ the burgher forces and the Cape regiment, 594 strong, using such other troops as were placed under his command to occupy posts in the rear and prevent their return. These were 49 artillerymen, 166 of the 21st light dragoons, 221 men of the 83rd, and 3 men of the 93rd regiment.

In December the burghers took the field. The farmers of Swellendam were under Commandant Jacobus Linde, those of George under Commandant Jacobus Botha, and those of Uitenhage under Commandant Gabriel Stolz. They assembled near the mouth of the Sunday river. The farmers of Graaff-Reinet, under Landdrost Stockenstrom and Fieldcornet Pieter Pretorius,

occupied Bruintjes Hoogte, so as to cover the country north of the Zuurberg range.

On the 27th of December a division of Colonel Graham's force, under Major Cuyler, crossed the Sunday river, and formed a camp within easy reach of Habana's kraal on the southern side of the Rietbergen. When passing through a thicket within five hundred yards of the river a few assagais were thrown at the burghers, and one man was wounded. Major Cuyler with an escort then rode to Cungwa's kraal, which was close to a dense thicket, with the object of trying to induce that chief to retire peaceably. Cungwa did not appear, but he sent a message that he was disposed to do as desired, and asked to be allowed until next day to give a final answer. This was acceded to. The men at the kraal were seen to be in readiness for war, and the veterans were all ornamented with blue crane feathers.

On the following day Major Cuyler with twenty-five farmers and a Hottentot interpreter returned to Cungwa's kraal. Observing a party of Kaffirs close to the thicket, they rode up, when Ndlambe advanced a few paces from the others, and cried out: "Here is no honey; I will eat honey, and to procure it will cross the rivers Sunday, Koega, and Zwartkops." Stamping his foot on the ground, he shouted again: "This country is mine; I won it in war, and shall maintain it." Then shaking an assagai with one hand, with the other he raised a horn to his mouth. Upon blowing it, two or three hundred warriors rushed towards Major Cuyler's party, who owed their escape solely to the fleetness of their horses.

The district east of the Sunday river at a short distance from the coast is very rugged. Between the mountain range called the Zuurberg and the sea are chains of hills and irregular elevations, which were known in 1812 as the Rietbergen. In thickets spread over a tract of this broken land, some forty miles in length by ten or twelve in breadth, the followers of Ndlambe and Cungwa took shelter.

On the 27th of December Colonel Graham sent an express to Landdrost Stockenstrom, directing him to proceed from

Bruintjes Hoogte across the Zuurberg and Rietbergen with the farmers and two companies of the Hottentot soldiers, and join Major Cuyler. But the landdrost, who believed that if he carried out these instructions the Xosas would almost to a certainty make a raid into the country north of the mountains, on the 29th with only twenty-four men left the camp, stating that he intended to report himself to Colonel Graham. When about half way to his destination, a party of Xosas was seen approaching on open ground, and against the advice of the farmers Mr. Stockenstrom stopped to talk with them. He wished to induce them to return to their own country without bloodshed, and perhaps he relied for safety upon his reputation as a friend and benefactor of the coloured races. They were of the Imidange clan under the chief Kasa. Mr. Stockenstrom talked with them about half an hour, the Xosas appearing to be friendly, while all the time they were gradually surrounding the white men. Then there was a rush in from all sides, and the landdrost, eight farmers—Jan Christiaan Greyling, Jacobus Potgieter, Philip Botha, Izaak van Heerden, Jacobus du Plessis, Willem Pretorius, Pieter Botha, and Michiel Hatting—together with the half-breed interpreter Philip Buys, were stabbed to death. Four more farmers were wounded, but they and the others made their escape, killing five or six of their assailants as they did so.

As soon as tidings of the massacre reached the camp at Bruintjes Hoogte, the landdrost's son, Ensign Andries Stockenstrom, of the Cape regiment, set off with eighteen mounted men, and coming suddenly upon a party of the murderers, killed sixteen of them and retook eight horses.

Colonel Graham then sent Captain Fraser to the camp at Bruintjes Hoogte to carry out the instructions which the landdrost Stockenstrom had disregarded. When returning with two companies of the Cape regiment and fifty farmers under Fieldcornet Pretorius, Captain Fraser was attacked three times in a narrow defile, but on each occasion beat off his assailants. About twenty Xosas were killed, without the loss of any Europeans.

Meantime Major Cuyler's division had several skirmishes, in which a few Xosas were shot and four hundred head of horned cattle were captured.

On the 3rd of January 1812 six parties, each consisting of sixty farmers and twenty men of the Cape regiment, entered the broken forest country south of the Addo Heights, for the purpose of expelling the Gunukwebes. They came out on the 7th with two thousand five hundred head of cattle, having killed twelve or fourteen Xosas, among whom was the chief Cungwa. On the side of the Europeans only one man—Fieldcornet Nortje—lost his life. The farmers, finding the government in earnest as to driving the Xosas from the colony, were ready to make every possible exertion, and Colonel Graham reported that they were "orderly, obedient, and undertook with cheerfulness and alacrity the fatiguing and arduous duties allotted to them." As soon as the first patrols came out, others were sent into the retreat of the Gunukwebes, but the Kaffirs avoided a combat, and tried to double upon their pursuers.

It appeared afterwards as if Cungwa's clan was only keeping the Europeans engaged while Ndlambe made good his escape. On the 14th and 15th of January this chief with his people crossed the Fish river, and they were immediately followed by the Gunukwebes, under Pato, who succeeded to the chieftainship on his father's death.

Habana and a number of the other petty captains remained in the recesses of the mountains. It was believed by the Europeans that David Stuurman, who had escaped from confinement some time before, with a band of Hottentot marauders was aiding Habana; and as those people were expert marksmen, an attack upon them was regarded as certain to result in heavy loss of life. A reinforcement of two hundred men of the first battalion of the 60th regiment, which had arrived in the colony in September 1811, having been sent to Colonel Graham's aid, on the 13th of February two divisions of burghers and Hottentot soldiers entered the broken country of the Zuurberg and Rietbergen, one from the north, the other from

the south. They met on the bank of the Sunday river, and then, forming a number of small parties, they scoured the country from west to east, while mounted patrols and foot soldiers guarded the outlets on their flanks. Contrary to expectation, David Stuurman and his gang were not there. During twelve days of excessive fatigue the kloofs and thickets were cleared of the Xosas, who fled towards their own country. About thirty were killed or wounded. Over one hundred women and children were made prisoners, and six hundred head of cattle were captured. On the 24th of February the burghers returned to camp, having burned all the huts, destroyed the gardens, and left hardly a trace of the Xosas west of the Fish river. Only one white man, a farmer named Cornelis Jacob Swart, of the district of Swellendam, was killed in these operations.

The women and children who had been made prisoners were now restored to their friends. Sufficient corn for seed was forwarded, and some of the captured cattle were sent across the Fish river and given back to those from whom they had been taken. It was announced to the Xosas that on their own side of the boundary they would not be molested, but if they returned to the colony they would be shot. Of the captured cattle that were not restored, some were given to farmers who had suffered from depredations by Kaffirs before the war, five hundred head were sent to Gaika to distribute in any manner he chose, and about six hundred head were kept in reserve. The expelled clans were informed that these cattle would be returned to them after a time if they behaved themselves properly, or otherwise would be used to make good losses through thieves.

By the beginning of March the fourth Kaffir war was over, and it had ended—as neither the second nor the third had—favourably for the Europeans. At its close there were in the field eight hundred burghers and twelve hundred and fifty-two soldiers, including the Hottentot regiment. The Xosas driven over the Fish river numbered in all about twenty thousand souls.

A line of military posts, garrisoned partly by soldiers and partly by burghers of Graaff-Reinet and Uitenhage was now formed from the sea to the second chain of mountains, for the purpose of preventing the return of the Xosas. The burghers of the other districts were excused from personal service, upon payment of 61,000 rixdollars annually towards the maintenance of those who remained under arms. Colonel Graham issued an invitation to the former occupants of farms in the Zuurveld to return to the places from which they had been driven, but the governor objected, as he was determined to discontinue the old system of land tenure, and proposed to form settlements on small holdings round the military stations. This plan, however, could not then be carried out, as no one cared to occupy a little plot of ground. Most of the European troops who had taken part in the war were recalled to Capetown, but others were sent to the front, and at the close of the year the line of defence was occupied, in addition to the burghers, by 59 dragoons, 427 men of the 60th, and the Hottentot regiment.

The governor resolved to station two magistrates near the eastern frontier, and for this purpose on the 10th of July 1812 Ensign Andries Stockenstrom, of the Cape regiment, was appointed deputy landdrost of Graaff-Reinet, and Captain George Sackville Fraser, of the same corps, deputy landdrost of Uitenhage. Ensign Stockenstrom was directed to hold a court at Van-Staden's-Dam, on the bank of the Fish river; but a little later he was moved some distance higher up, to a loan farm in occupation of Willem Jacob van Heerden, which on the 21st of January 1814, at the request of the inhabitants of that part of the country, was named Cradock by a notice in the *Government Gazette*. In the following year Van Heerden was awarded compensation for the improvements he had made, the lease was cancelled, and a village was laid out. Three years elapsed before provision for public worship could be made. In June 1817 the reverend John Evans, previously an agent of the London society, entered the public service, and was stationed at Cradock. For a twelvemonth he was

regarded as a missionary, but on the 10th of June 1818 the governor approved of elders and deacons who had been nominated by the landdrost, and thus a separate congregation was formed according to the presbyterian system. From this date the growth of the village, though not rapid, was constant.

The head-quarters of the troops on the frontier were on a farm once occupied by a man named Lucas Meyer. It was close to the source of the Kowie river, on a spur of the Zuurberg, about twenty-five miles from the sea, and nearly two thousand feet above the level of the ocean. Its advantage as a military position was due to its being the centre of an irregular semicircle described by the Fish river from north-west round to south-east, nearly every part of the curve being within a day's march. To this place, on the 14th of August 1812 the name Grahamstown was given by government advertisement, in honour of the officer commanding the troops. The deputy landdrost of Uitenhage was stationed there.

In 1807 and again in 1812 small-pox appeared in the colony. On the 16th of June in the former year a Hottentot in the prison in Capetown was found to be suffering from it. He had recently come round by sea from Algoa Bay, and it was supposed that he had brought the seeds of the disease from the country north of the Orange river, where it was known to be prevalent in a mild form. The sick man and two Hottentots who were his associates in the prison were at once conveyed to Paarden Island and were kept there in complete isolation. They were all smitten with true small-pox, but all recovered. Owing to the precautions taken, the disease did not spread on this occasion, and no other case was discovered.

On the 5th of March 1812 a slave from a condemned Portuguese ship was found to be suffering from small-pox, though he appeared perfectly well when he landed a short time previously. He was at once isolated, but soon other cases were discovered in houses where he had been, and the

disease rapidly spread. The government issued instructions that every one in the town should be vaccinated; but the Mohamedans, from a religious scruple, found means to avoid compliance with the order. Capetown was now shunned by the country people, and communication with the interior almost ceased. The schools and places of worship were closed, general business was suspended, and unnecessary intercourse was forbidden. As soon as the disease appeared in a house, a white flag was hung out, and every one coming from such a house was required to wear a strip of white calico round his arm. The anxiety of the people was very great; but there were only a few hundred cases, and most of those attacked recovered. By September the disease entirely disappeared, and the 11th of October was observed as a day of thanksgiving to God for its cessation.

Under the government of Sir John Cradock, as upright and amiable a man as ever ruled the Cape Colony, the first of a series of events took place which caused a great number of the farmers of the country districts to abandon their homes and to move beyond the limits of English dominion.

During recent years several governors had contemplated the establishment of a circuit court, but the various changes which had taken place prevented the completion of the design. Lord Caledon was permitted by the secretary of state to carry it into effect. On the 16th of May 1811 he issued a proclamation that a commission of two or more members of the high court of justice should from time to time make a circuit through the colony, for the purpose of trying important cases, ascertaining whether the landdrosts performed their duties correctly and impartially, inspecting the district chests and buildings, and reporting upon the condition of the people and all matters affecting public interests.

On the 14th of October 1811 three judges left Capetown on the first circuit. They were Mr. Willem Stephanus van Ryneveld—who on the retirement of Mr. De Wet on account of bodily infirmities in March 1809 was appointed president of the high court, or chief justice as that officer now began

to be termed—and Messrs. Pieter Diemel and Francis Willem Fagel. Mr. Daniel Johannes van Ryneveld was secretary. They proceeded to the various drostdies, and tried in all twenty-one criminal cases, of which eight were charges brought by coloured people against colonists. The proceedings were conducted with open doors, and no distinction was made between persons of different races or colour either as accusers or accused. The judges reached Capetown again on the 1st of February 1812, and shortly afterwards drew up and presented to the governor a long report upon the condition of the country. Throughout South Africa there was nothing but satisfaction expressed with the establishment of a circuit court after this manner, and everywhere the judges were received with the utmost respect.

But before the termination of the first circuit Sir John Cradock received a despatch from the secretary of state, dated 9th of August 1811, in which was enclosed a copy of a letter from the reverend Mr. Read, of Bethelsdorp, to the directors of the London missionary society, and by them published in England. In this letter the missionary complained that the Hottentots were subject to cruel and inhuman treatment from white people, and that the earl of Caledon and Landdrost Cuyler were alike deaf to their cry for justice. He asserted that upwards of one hundred murders had been brought to the knowledge of Dr. Vanderkemp and himself in the district of Uitenhage alone. This letter had already come to the notice of the colonial government, and a judicial inquiry into the charges made in it had already been commenced when the celebrated philanthropist Wilberforce sent a copy of it to the imperial authorities. The secretary of state instructed the governor to have the terrible charges thoroughly investigated, and to see that stringent punishment was inflicted upon perpetrators of outrages.

Accordingly every possible effort was made to put facilities in the way of Hottentots bringing forward their grievances. Landdrost Cuyler considered his honour at stake, and was most anxious that even petty assaults should be looked into,

in order that the assertions of the missionary might be proved to be false. This gentleman belonged to one of the best families of Dutch descent in the state of New York. In the revolutionary war his father took part with the king, and in course of time he became an officer in the British army. He was very indignant on being accused of injustice, as he prided himself on his integrity, and knew that the charge against him was undeserved.

Dr. Vanderkemp died in January 1812, but Mr. Read was aided by other members of the society to get as many cases as he could for the next circuit court. He, too, was on his mettle, as it was necessary for him to show that he had grounds for what he had written. All the stories of the years of discord and war between the colonists and the Hottentots were therefore brought forward, and although the governor decided that the judges should try cases only which were alleged to have occurred after the British occupation in 1806, the court was furnished with a fearful roll of charges.

On the 23rd of September 1812 the judges Strubberg and Pieter Laurens Cloete left Capetown on what was afterwards usually termed the black circuit. Mr. Van Ryneveld was to have accompanied them, but he died on the 14th of August. Mr. Jan Andries Truter, previously fiscal, then became chief justice. Two other judges were sent on circuit to Swellendam and Tulbagh, leaving to Messrs. Strubberg and Cloete only the districts of George, Uitenhage, and Graaff-Reinet.

At that time it was part of the duty of the landdrosts to act as public prosecutors when charges of crime committed within their districts came before a superior court. But in this circuit an advocate was directed to accompany the judges and prosecute in the cases brought forward by the missionaries, leaving the landdrosts to prosecute in all other cases. The advocate who was charged with this duty was Mr. Gerard Beelaerts van Blokland, a man of unblemished integrity, who had been attorney-general under the Batavian government, and was now secretary of the high court of justice. This departure from the usual course of proceedings was made at the urgent

request of Landdrost Cuyler, and in order that everything possible should be done to secure a thorough investigation.

More than one-third of the male inhabitants of the frontier districts who were capable of bearing arms were in garrison in the stockaded posts that had been constructed to prevent the return of the Xosas to the Zuurveld. Over fifty members of their families—male and female—were required to appear before the circuit court, and over a thousand witnesses—European, black, and Hottentot—were summoned to give evidence. The whole country was in a state of commotion.

Fifteen white men and two white women were severally charged with murder, and thirteen white men and two white women were charged with crimes of violence towards Hottentots or slaves. Of the charges of murder, the cases of two men and one woman were referred to the full court in Capetown, those of two men were postponed until next session, one man was found guilty of assault, and one woman and ten men were acquitted. Of the charges of violence, the case of one man was referred to the landdrost, as the complainant did not appear; that of another man had to stand over until the next session, owing to the absence of witnesses; one woman and five men were acquitted, and one woman and six men were found guilty and sentenced to various punishments. There were also nineteen cases against white people for recovery of wages, two cases for illegal detention of children, and five cases for illegal detention of cattle. The most serious of these were decided in favour of the defendants.

The result of these trials corroborated the opinion often expressed, in a variety of words, by the highest officials of the government, that although a few cases of great cruelty towards coloured dependents could be pointed out, the vast majority of the colonists were no harsher or more unfeeling than country people in any part of Western Europe. Assuredly no unbiased person, who will take the trouble to investigate thoroughly the treatment of the Hottentots in general and then to read half a dozen of the log-books of His Majesty's ships at the same period and note the severe corporal punishments inflicted for

offences that would now be deemed trivial, can accuse the colonists of being less tender hearted than our own countrymen. The principles of humanity, as we see them at work to-day, were still almost unacted upon everywhere. If in South Africa the life of a Kaffir or Bushman marauder was not regarded as of equal value with that of a European, the same can be said of the life of an Indian in the backwoods of America.

As to the charges brought before the circuit court, the judges in their report to the governor observed that "if Messrs. Vanderkemp and Read had taken the trouble to have gone into a summary and impartial investigation of the different stories related to them, many of those complaints which have made such a noise, as well in as without the Colony, must have been considered by themselves as existing in imagination only, and consequently neither the Government nor the Court of Justice would have been troubled with them."

It was nearly four months before the session was closed, and when on the 15th of January 1813 the judges reached Capetown again, the irritation in the eastern districts was still at its height. It was of no use telling the people that the trials had shown the missionaries to have been the dupes of idle storytellers. The extraordinary efforts made to search for cases and to conduct the prosecutions appeared in their eyes as a determination on the part of the authorities to punish them if by any means a pretext could be found. If it were not so, they asked, why were not charges made by them against Hottentots followed up in the same manner. As for the missionaries of the London society, from that time they were held by the frontier colonists to be men whose statements were not to be regarded as worthy of attention, and whose dealings with the coloured races could only be productive of evil. To associate them with the propagation of Christianity seemed to the farming people utterly wrong. In after years not a few pious and devoted workers among them overcame this prejudice, but the expression London missionary

society remained in use as denoting a hostile association unworthy of esteem.

At this period a great improvement in the system of land tenure in the colony was made by the governor, after consultation with several of the English and Dutch officials of highest rank, and with the approval of the authorities in England. Under the old system, when a man wanted a grazing run, he looked out for a good locality, set up a beacon, and sent a request to the government to be allowed to occupy it. A commission, consisting of two or three heemraden or fieldcornets, was then directed to inspect the locality and report whether a grant would interfere with the rights of anyone else and whether the applicant was a proper person to have a loan place assigned to him. If the report was favourable, a lease was made out, the rent being alike in all instances twenty-four rixdollars a year. The size of the place was half an hour's walk in every direction from the central beacon. The lease was for one year only, but by long custom it was regarded as renewed by the payment of the rent. The occupant could at any time dispose by sale of the buildings and improvements upon such a place—which were termed the opstal,—and the government, which received transfer dues on such sales, continued the lease to the purchaser. The farmers did not regard their occupation as insecure. By the letter of the law, the government could reclaim the ground upon a year's notice, but no instance of this kind had occurred unless the rent had not been paid for some time, or the farm was needed for public purposes, in which case fair compensation had always been made, or unless the occupant was such a notoriously bad character that the people of his district wished to get rid of him.

In Sir John Cradock's opinion, the faults of the system were many. First, it did not give absolute legal security of possession, and therefore he thought the occupants were discouraged from making improvements. Secondly, all farms, whether good or bad, paid the same rent. Thirdly, the boundaries of the farms were ill-defined, and disputes between

neighbours were interminable concerning their limits and the right of grazing over the intermediate ground. Fourthly, loan places could not be divided among heirs. According to the law of the colony, all the children shared equally in the inheritance of a dead parent, consequently when a man died, his farm—if a loan place—was necessarily sold, in order that the proceeds might be distributed. This system prevented the growth of that attachment to the soil which arises from long residence, and tended to scatter the population thinly over a vast area.

On the 6th of August 1813 a proclamation was issued which permitted occupants of loan places to have their tenure converted into that of perpetual quitrent and put pressure upon them to do so by prohibiting alienation of any part of a loan place until it should be surveyed and claiming for the government the right of resumption or increasing the rent. The size of the new quitrent farms was limited to three thousand morgen, unless specially sanctioned by the governor in each case. The quitrent was to vary with the situation and quality of the land, and could be fixed as high as two hundred and fifty rixdollars a year. Each farm was to be properly surveyed at the expense of the occupant, and a diagram was to be registered in the deeds office. The government reserved the right to mines of precious stones, gold, and silver; also the right to make and repair public roads, and to the use of materials for that purpose.

Sir John Cradock believed that by this alteration of the land tenure, a great benefit was being conferred upon the colonists, for which they ought to be duly grateful. And no one at the present day will deny that the substitution of permanent quitrent holdings for the old form of leases was an improvement of the greatest importance, though at the time many of the farmers did not see it in that light. They looked upon the old system as giving all the security and advantages that they needed. Under it they could not indeed divide their farms among their children, as the new tenure would enable them to do; but while vast tracts of land lay before them waste

and unoccupied, they preferred that each child should receive a full sized loan place rather than a portion of a quitrent farm. The increased rent and the costs of survey also frightened many of them. The progress of conversion of the tenures of the land already occupied was thus slow, but no grants were thereafter made except under the new system, so that the greater part of the ground in the colony is held at the present day as quitrent farms.

On the 31st of December 1813 the residence of the deputy landdrost of Swellendam was named Caledon by Sir John Cradock, in honour of the late governor. On the 7th of January 1814 the tract of country previously known as the Zuurveld received from the governor the name Albany, and on the 21st of the same month Jan-Dissel's-Vlei, the residence of the deputy landdrost of Tulbagh, was named Clanwilliam by Sir John Cradock, in honour of his father-in-law.

On the 18th of October 1813 the governor left Capetown to make a tour through the colony, and as he visited the most distant parts, he was absent until the 7th of January following. A special object of his inquiry was the conduct of the frontier farmers towards the Xosas who had been driven over the Fish river, as it was asserted by a large party in England that the Europeans in South Africa were guilty of many cruelties towards the adherents of Ndlambe, both before and after the late war. Intercourse between the two races was at this time strictly forbidden, but could not be entirely prevented, as roving bands of Xosas managed to elude the vigilance of the guards at the military posts, and traversed the country either to steal or to beg from the white people. The result of the governor's investigations was published in the *Gazette* upon his return to Capetown: "His Excellency has had the further satisfaction to approve of the good and unoffending conduct of the inhabitants of the frontier towards the Kaffir tribes, the faithless and unrelenting disturbers of the peace and prosperity of this colony."

Two proposals for the introduction of immigrants from Europe were made to the government during Sir John Cradock's

administration, but neither was approved of. One was a plan of Messrs. Van Ryneveld, Truter, Beelaerts van Blokland, and other members of the old Orange party to get out families from Holland who were opposed to the French government then existing, and who, it was believed, would be glad to settle in South Africa. They proposed to form a society, and raise funds by subscription in England, India, and the colony, for the purpose of aiding such immigrants. Sir John Cradock, however, did not approve of a plan that had for its object the introduction of foreigners into a country that he wished to anglicise, and the secretary of state declined to sanction the movement.

The other proposal was made by Lieutenant Colonel John Graham, and was that settlers should be brought out from the Highlands of Scotland to occupy the Zuurveld. At that time the evictions of the peasantry from great estates to make room for sheep and deer, of which pitiful tales are still told in the north, were in full operation, and a great stream of emigration of some of the best people in the world to build up a new country was flowing to America. Colonel Graham wished to divert a branch of it to South Africa, where the hardy Highlanders would certainly have been of the greatest service, but his views met with no support from the authorities.

Sir John Cradock took a very warm interest in everything that tended to the improvement of the people of South Africa, white and black. He was not only the patron, but the promoter, of free schools in Capetown and in several centres in the country for the education of poor European children. A committee of management—termed the bible and school commission—was appointed, consisting of a few of the principal officials and the clergymen of the Dutch reformed, Lutheran, and English episcopal congregations; and a large amount of money was collected by voluntary subscription. The reverend Frederick Hesse, Lutheran minister, was the secretary, and exerted himself greatly in the work. The reverend Robert Jones, English minister, was also a very active member of the committee. Schools for the education of coloured children were

established in Capetown, Stellenbosch, and Tulbagh, by missionaries of the London and South African societies, and were aided as much as possible by the governor. The ordinary schools in Capetown and at the various drostdies likewise received his attention and encouragement.

An enactment by him regarding slaves tended in the same direction, though at first sight it looks otherwise. The old Dutch laws gave freedom to slaves who professed the Christian religion, but as time went on local regulations were made which greatly checked manumission. By the middle of the eighteenth century the ancient laws were regarded as almost obsolete, and baptized negroes were frequently detained in slavery. To rectify this matter, on the 10th of April 1770 the governor-general and council of India enacted that slaves confirmed in the Christian religion should not thereafter be sold. A regulation made by the council of policy at the Cape on the 3rd of June 1777 required that every one emancipating a slave should pay £10 to the poor funds of the church, and also give security that the freed person should not become entitled to relief as a pauper within ten years; but the council reserved to itself the right of suspending this regulation in cases where there were weighty reasons for manumission. A local regulation on such a subject, however, could not supersede an enactment of the council of India. This, which was intended to promote Christianity and to raise its professors in the scale of society, really had the contrary effect, as it placed the interest of the owner as an obstacle to the instruction of the slave, or at least to his open admission into the Christian church. For this reason, on the 9th of October 1812 Sir John Cradock issued a proclamation annulling the law of 1770, and leaving to baptized slaves no greater privileges than to others.

To provide for the religious needs of the people the vacancies in the various churches were gradually filled up, as clergymen could be obtained. In Capetown the reverend Messrs. Fleck and Von Manger, and in Stellenbosch the reverend Mr. Borchards, still ministered.

After Mr. Aling's death the congregation at Drakenstein was for nearly seven years without other minister than a consulent. In November 1806 the reverend Mr. Van der Spuy was transferred from Zwartland to Drakenstein, where he died in March 1807. The church was then again without a resident clergyman until June 1810, when the reverend Johan Wilhelm Ludwig Gebhard, who had just arrived from Europe, was stationed there.

The reverend Mr. Ballot remained at Tulbagh until his death in January 1814, after which the congregation was for some time without a clergyman.

In March 1810 the reverend M. C. Vos, who had recently returned from Europe, was stationed temporarily at Zwartland; and in February 1811 the reverend J. Scholtz, who had studied in Europe and come back to his native country, was appointed clergyman of that congregation.

In January 1806 the reverend Mr. Kicherer left the service of the London missionary society, and accepted the appointment of clergyman of Graaff-Reinet. In that capacity he laboured with equal diligence among white and coloured people, and was deservedly esteemed by all.

The reverend Mr. Schutz remained clergyman of Swellendam for several years. He was of a quarrelsome disposition, and complaints of his conduct were frequently made to government. These were investigated, and Mr. Schutz was repeatedly reproved and warned until at length, in September 1813, the governor suspended him from duty for two years, and ordered him to remove immediately from the district of Swellendam. The congregation was then left for some time without a clergyman.

The establishment of new churches at Caledon and George has already been mentioned. There was as yet no clergyman at the drostdy of Uitenhage.

The reverend Mr. Hesse remained Lutheran pastor in Capetown.

On the 3rd of October 1811 the reverend Robert Jones, who had accompanied the governor to South Africa, received

the appointment of civil chaplain in Capetown, and was thus the first resident clergyman of the established church of England in the colony. His salary was paid from the colonial treasury. Services were held by him in the building belonging to the Dutch congregation, there being as yet only three church edifices in Capetown: the Dutch reformed, the Lutheran, and the chapel in Long-street belonging to the South African missionary society, which was opened for use in March 1804.

In 1813 a congregation of the English episcopal church was formed at Simonstown, and in September of that year the reverend George Hough became its first clergyman.

The Moravians had as yet only the mission stations of Genadendal and Mamre.

In 1814 the London society had twenty missionaries in South Africa. Beyond the colony the Bushman station at the Zak river was abandoned, as was also the one at the Kuruman river; but the stations among the halfbreeds and Hottentots near the junction of the Orange and the Vaal remained in existence. An attempt had been made to found a station at Warm Bath in Great Namaqualand, but the missionaries and people were driven from it by the robber captain Afrikaner, and they then settled at Pella, in Little Namaqualand, near the southern bank of the Orange. Attempts had also been made to found stations at the residence of old Cornelis Kok in Little Namaqualand and among the Bushmen on the southern bank of the Orange, but they had been abandoned. Within the colony, in 1812 a missionary was stationed at Zuurbrak, a Hottentot reserve in the district of Swellendam, occupied by the remnant of the Attaqua tribe. In 1813 another missionary went to reside at Hoogekraal, a reserve occupied by the remnant of the Outeniqua tribe. This reserve was on the coast close to the drostdy of George. The first missionary there was the reverend Charles Pacalt, a man whose good deeds were long had in remembrance in that part of the country, and who was highly esteemed by all classes of the inhabitants. After his death the station was named Pacaltsdorp, and it is still in existence. In 1814 the number of

residents at Bethelsdorp was greatly reduced by the formation of a new settlement at a place named Theopolis, between the Kariega and Kowie rivers, the ground for which was allotted to the London society by Sir John Cradock. A strict order was then issued that no one should be allowed to settle at Bethelsdorp without the approval of the landdrost of the district.

A few changes in the civil service remain to be noticed. On the 27th of October 1807 Mr. Andrew Barnard, colonial secretary, died. The deputy secretary, Captain Christopher Bird, performed the duty until the 15th of November 1808, when Mr. Henry Alexander, cousin of the earl of Caledon, arrived from England and took over the office. On the 1st of July 1812 Mr. Van der Riet, landdrost of Stellenbosch, was appointed sequestrator, and was succeeded by Mr. Watse Sibius van Andringa. On the 1st of January 1810 Mr. Faure, landdrost of Swellendam, retired on account of old age, and was succeeded by Mr. Petrus Stephanus Buissinne. After the murder of Mr. Stockenstrom the senior heemraad Paul Maré acted as landdrost of Graaff-Reinet until the 10th of July 1812, when Mr. J. H. Fischer took over the duty. [On the 7th of August he was succeeded as deputy landdrost of Tulbagh by Mr. Olof Martini Bergh.

During this period complete information was obtained concerning the Batlapin tribe of Betshuana and the mixed people since known as Griquas, who had been collected together by missionaries of the London society near the junction of the Vaal and Orange rivers.

Mr. William J. Burchell, an English gentleman of varied accomplishments and an observant turn of mind, travelled among them, and resided for several months at Klaarwater and Lithako in 1811 and 1812. The Griquas, then under the captains Adam Kok and Barend Barends, had already attained as great a degree of civilisation and prosperity as they have since shown themselves capable of. Their principal settlement was at Klaarwater, now known as Griquatown; but there were outstations at the various places where Messrs. Lichtenstein

and Van de Graaff found them in 1805. The missionaries Anderson, Kramer, and Janssen, of the London and Rotterdam societies, were residing with them. The Batlapin were found to have moved from the Kuruman river to a place close by the large kraal where Messrs. Truter and Somerville met them in 1801. The chief Molehabangwe died early in 1812, and was succeeded by his son Mothibi as paramount ruler of the tribe. Two other sons, Molala and Mahura, acted as captains over sections of the people. The principal kraal was called by the same name as the abandoned one close by, Lithako. It contained about five thousand inhabitants.

The reverend John Campbell, who was sent out to inspect the London society's missions, also visited the Batlapin in 1813. It was he who gave the name Griquas to the people of Kok and Barends, and Griquatown to the station at Klaarwater. From this place he travelled along the Orange river to Pella in Little Namaqualand, and thence through Kamiesberg to Capetown.

The customs duties during the period 1806 to 1814 were frequently changed. Lord Caledon, shortly after his arrival, directed that goods brought in British ships from any part of His Majesty's dominions should be admitted free of duty. This was observed until the 18th of March 1808, after which date only British goods brought in British ships from Great Britain or Ireland were admitted duty free, if brought in foreign ships a duty of 7 per cent was levied. Foreign and colonial goods brought in British ships were then made subject to a duty of 5 per cent of their value, if brought in neutral ships to 15 per cent. European prize goods were subjected to a duty of 5 per cent, and Indian prize goods to 10 per cent of the amounts realised at their sale by public auction. On Indian goods brought in the Company's ships a duty of 5 per cent of the prime cost was levied. The export duties remained as fixed by Sir David Baird. After the 29th of March 1810 the duty on foreign goods brought in British ships was raised to 10 per cent of their value. On the 18th of October 1811 all export duties were abolished. After

the 12th of April 1812 by an order in council trade to and from the Cape was confined to British shipping, except that foreign vessels might be specially licensed by the government to import provisions. From the 8th of July 1813 a duty of 3 per cent of the value of British goods was levied for revenue purposes.

Of the ships last mentioned as forming the South African squadron, the *Galatea* had remained but a short time on the coast,* the *Malacca* had been sent to India in September 1811 for service there, the *Olympia* had departed for England in October, the *Phœbe* in November, and the *Staunch* about December 1811,* the *Scipion* had followed in January and the *Eclipse* in June 1812, the *President* in February, the *Astrea* in May, the *Racehorse* in August, and the *Nisus* in September 1813. The *Lion*, 64-gun ship, had joined the Cape squadron at Java in September 1811, and in February 1814 had left for England. The *Semiramis*, 36-gun frigate, had arrived in February 1813, and was now being made ready to convey Sir John Cradock to England and to act as protector of transports in which the 93rd regiment was returning home. In April 1814 the squadron consisted of the *Harpy*, the *Stag*, 36-gun frigate, which had arrived in September 1813, the *Laurel*, 38-gun frigate, and the *Niger*, 36-gun frigate, which had arrived in March 1814, and the *Medway*, 74-gun ship. Several other vessels of war were on their way out for service on the station. The squadron was under the command of Rear Admiral Charles Tyler, who had taken over the duty on the 7th of February 1813.

Previous to 1814 the squadron had used Table Bay as its place of resort during the summer and Simon's Bay during the winter months, and there were naval arsenals and workshops at both Capetown and Simonstown. To reduce expense, the establishment at Capetown was discontinued, and since the winter of 1814 Simon's Bay has been the sole station

* The naval records of this period are defective, and the exact dates of departure of these ships cannot be ascertained. The arrivals and departures of most of the others have been obtained from their logbooks.

of the British fleet in South African waters where stores are kept and where appliances for repairing vessels are maintained.

The troops in South Africa in April 1814 were 325 artillerymen, the 21st light dragoons, the 83rd regiment of the line, the first battalion of the 60th, and the Hottentot regiment, which in January 1807 had been enlarged to 800 rank and file, in June 1810 had been reduced to 550, and in January 1814 again enlarged to 800. There was also a company of 154 pensioners at Algoa Bay, making the whole force, inclusive of officers, 4,300 strong.

Among the last acts of Sir John Cradock in South Africa were an order on the 11th of November 1813 that all courts of justice, without exception, were thereafter to conduct their proceedings with open doors, and the issue of a proclamation on the 1st of April 1814 equalising the local taxes paid in the various country districts, both measures calculated to promote satisfaction. In 1813 he had applied for permission to return to England, and on the 2nd of November of that year a successor was appointed in the person of Lieutenant General Lord Charles Henry Somerset. With his family Lord Charles embarked in the ship of war *Medway*, which arrived in Table Bay on the 5th of April 1814. Sir John Cradock wished to retain the government until some cases then before the court of appeal were concluded, that he might transfer the administration in perfect order, but Lord Charles was unwilling to wait, and on the morning of the 6th he took the oaths of office.

The late governor sailed for England in the frigate *Semiramis* on the 1st of May. In 1819 he was created Baron Howden, a title which descended to his son, but is now with his family extinct.

CHAPTER III.

LIEUTENANT-GENERAL LORD CHARLES HENRY SOMERSET,
GOVERNOR, INSTALLED 6TH APRIL 1814; EMBARKED FOR
ENGLAND ON LEAVE OF ABSENCE 13TH JANUARY 1820.

LIEUTENANT-GENERAL LORD CHARLES HENRY SOMERSET, who on the 6th of April 1814 became governor of the Cape Colony, was a man of ability and energy. The second son of the duke of Beaufort and younger brother of the marquess of Worcester, he was connected by blood or marriage with nearly all the great tory families of the kingdom. His mother was a daughter of Admiral Boscawen. A younger brother—Major-General Lord Edward Somerset—was then serving with the duke of Wellington; another younger brother—Lieutenant-Colonel Lord Fitzroy Somerset—who lost his right arm at Waterloo, was destined many years later, with the title of Lord Raglan, to command the British army in the Crimean war. As a tory ministry was in power in England, and his relatives possessed enormous influence, the governor came to South Africa with very little restraint upon his actions. He was then forty-six years of age. Unable to brook opposition to his will, relentless in crushing those who tried to thwart him, he was affable to all who conducted themselves to his liking.

At the time of his appointment as governor of the Cape Colony great changes were taking place in Europe, owing to the reverses sustained by the emperor Napoleon. In November 1813 the French party in the Netherlands lost its ascendancy, a provisional government was formed, and as every individual of note recognised that the establishment of a republic was impossible, the prince of Orange was invited to return. After

a residence in England of nineteen years, on the 1st of December he landed at Scheveningen, and was received by the dominant faction of the Dutch people as their sovereign.

On the 11th of April 1814 the abdication of Napoleon took place, and shortly afterwards negotiations were commenced which terminated in treaties signed at Paris on the 30th of May between the restored Bourbon king of France and the king of Great Britain, the emperor of Austria, the czar of Russia, and the king of Prussia. In the third article of the treaty between the English and French monarchs it was agreed that part of the ancient Belgic provinces should be incorporated in France; in the sixth article that Holland, placed under the sovereignty of the house of Orange, should receive an increase of territory; in the seventh that the island of Malta and its dependencies should belong in full right and sovereignty to His Britannic Majesty; and in the eighth that all the foreign possessions of France should be restored except the islands of Tobago and Saint Lucia in the West Indies and Mauritius with its dependencies, especially Rodriguez and the Sechelles, which His Most Christian Majesty ceded in full right and sovereignty to the king of Great Britain.

The ninth article requires some explanation. The French island of Guadeloupe had capitulated to a British force on the 5th of February 1810. In the fifth article of the treaty of concert and subsidy between His Britannic Majesty and the king of Sweden, signed at Stockholm on the 3rd of March 1813, Guadeloupe was ceded to Sweden as fully as it was possible to transfer a dependency held by right of conquest only. And now, by the ninth article of the treaty of Paris the island was restored to France, with the consent of the Swedish monarch, according to an arrangement made between the allies.

The third secret article of the treaty of Paris provided for the incorporation of what was left of the Belgic provinces with the northern Netherlands. It reads: "The establishment of a just balance of power in Europe requiring that Holland should be so constituted as to be enabled to support her

independence through her own resources, the Countries comprised between the Sea, the Frontiers of France such as they are defined by the present Treaty, and the Meuse, shall be given up for ever to Holland."

By this arrangement the government of Great Britain hoped that a strong friendly kingdom would be created under the dominion of the house of Orange, and intended that a barrier line of fortresses should be constructed along its frontier adjoining France to prevent sudden invasion. The project originated with Viscount Castlereagh, then minister for foreign affairs, who believed that by promoting it England was displaying almost romantic friendship and generosity towards Holland. Few of the Dutch people, however, expressed any desire for the union of Belgium with their country.

Nothing had as yet been settled with regard to the Dutch colonies, but soon after the conclusion of the treaty of Paris the sovereign prince of Orange consented to a proposal of Lord Castlereagh that in consideration of the gain of territory by Holland in Europe, recompense should be made from them to Sweden for giving up Guadeloupe. Sweden, however, rejected every offer of Dutch islands in the West Indies successively made to her, and declared that she would be satisfied with nothing short of the whole of what is now British Guiana.

In Holland a large section of the people appeared to be apathetic with regard to the distant countries that had once been theirs. They had no ships, for their ocean commerce had been destroyed, and their home land was so impoverished that they saw no possibility of being able to garrison remote dependencies. Another section, however, represented by Mr. Gysbert Karel van Hogendorp, at this time one of the most prominent men in the country, desired to recover the colonies, and even expressed a hope that Great Britain, having moulded their destinies according to her will, would restore all that had been theirs before the outbreak of the French revolution. That would include Ceylon, which had been transferred to England by the treaty of Amiens, and would leave nothing whatever to the victor, which was far from reasonable. As

soon as negotiations on the subject were opened it became evident to every one that the Cape Colony would not be restored. The English people were determined to keep it, and as it would be necessary to assist the Netherlands with a considerable amount of money to defray the costs connected with the establishment of the enlarged state, something must be secured in return. Very little therefore was said about the Cape compared with the lengthy discussions concerning Essequibo, Demerara, and Berbice, which England desired to retain, because since their conquest a large amount of British capital had been invested there, and which Mr. Van Nagell, the Dutch minister for foreign affairs, was exceedingly anxious to recover.

The negotiations were conducted on the English side by Viscount Castlereagh and Lord Clancarty, British representative at the Hague, and on the Dutch side by the sovereign prince himself, Mr. A. W. C. van Nagell, Mr. Anton Reinhard Falck, general secretary of state, and Mr. Hendrik Fagel, representative of the Netherlands in London. Mr. Van Nagell was difficult to deal with. He would not agree to Lord Castlereagh's proposal to contribute a certain amount of money towards the construction of the barrier fortresses if the four colonies were formally ceded, but regarded their restoration as a matter of right. The sovereign prince, however, and Messrs. Falck and Fagel were of a different opinion. They recognised the truth of the British minister's assertion that both the charges to be incurred for the fortifications and the restoration of any of the colonies were purely optional on the part of England, and they thought it prudent to accept the money and to express their thankfulness for the recovery of Java and other settlements. Mr. Van Nagell tendered his resignation rather than agree to what he regarded as more a demand than a proposal, but was induced by the sovereign prince to retain his post. He refused, however, to sign the convention.

While these negotiations were proceeding, an arrangement was made by Lord Castlereagh with Sweden that instead of territorial compensation for Guadeloupe she should receive one

million pounds sterling in money, so that the Dutch should lose nothing more than the four colonies. On the 13th of August 1814 a convention was signed in London, in which Great Britain agreed to restore to the Netherlands all the dependencies possessed by that country on the 1st of January 1803 except the Cape of Good Hope, Demerara, Essequibo, and Berbice. In order the better to provide for the defence and incorporation of the Belgic provinces with Holland, Great Britain undertook to pay one million pounds sterling to Sweden, two million pounds sterling towards augmenting and improving the defences of Belgium, and to bear further charges towards the final settlement of the Belgic provinces in union with Holland to an amount not exceeding three million pounds sterling. And in consideration thereof the sovereign prince of the Netherlands ceded to Great Britain the Cape Colony and the settlements of Demerara, Essequibo, and Berbice in South America.

It was stipulated, however, that Dutch colonists in the ceded countries should be at liberty to carry on trade with the Netherlands, and that ships of every kind belonging to Holland should be permitted to resort freely to the Cape of Good Hope for the purpose of refreshment and repairs, without being liable to other charges than such as British subjects should be required to pay.

From this date therefore the claim of the Netherlands to the Cape Colony ceased, and the dominion of Great Britain over the country has never since been challenged by any power. As far as the colonists were concerned the convention made this difference in their position, that the capitulations of 1806 ceased to be binding, and any changes considered desirable by the British government could be effected without breach of faith. None, however, were made for several years. The convention provided that any resident in the ceded colonies who chose to do so could dispose of his property and retire to another country within six years, that is any one who wished to retain his Dutch nationality could remove to the Netherlands within that period. As far as is known, in South

Africa only two individuals with their families made use of this liberty: Mr. Francis Willem Fagel, vendue master at the Cape, brother of the Dutch ambassador in London, and Mr. Gerard Beelaerts van Blokland, secretary to the high court of justice. The farmers in the interior could not have left the country, even had they desired to do so, and in point of fact years passed away before the terms of the convention became known to them generally. The view that they then took of the matter will be shown in another chapter.

The governor was accompanied to South Africa by his lady, two sons, and two daughters. But his family circle was not long complete. Lady Somerset, who was a daughter of Viscount Courtenay, died suddenly on the 11th of September 1815. Her remains were laid in a vault beneath the pavement of the Dutch reformed church, where the ground is so mixed with the ashes of the dead that it is like one great grave.*

A few months after Lord Charles Somerset's arrival he founded a large agricultural establishment in the eastern part of the colony, partly for the purpose of supplying the troops on the frontier with meal and oathay, and partly for experiments

* Her funeral, though in the death notice in the *Gazette* stated to have been conducted with as much privacy as possible, was among the latest—if not the very last—at the Cape attended by *huilebalken*, professional mourners, persons hired to walk at the head of a funeral procession and perform certain ceremonies at the interment. The origin of this custom must be sought in very ancient days. It is supposed to have been brought to this colony from the Indies, not from Europe, after the middle of the eighteenth century; but much uncertainty exists on this point, and I have found nothing in the records to settle it. The *huilebalken* were distinct from the *tropsluiters*, who were merely employed to lengthen the procession, and who were paid at the rate of one rixdollar each. There were several reasons for employing *tropsluiters*: 1. The nearer the corpse the greater the distinction, consequently relatives and friends wished to see a row of people behind them. 2. A large and imposing funeral procession was regarded as a mark of respect to the deceased. 3. There was a superstition that the last in a funeral procession would be the next to die. The *tropsluiters* could quietly exchange places, and, as was said, distribute the risk among a number. The last cause appears a very absurd one, but there are still people living who remember how strongly it operated in bygone times.

in the cultivation of tobacco, with a view of increasing the exports. The site selected was the tract of land at the Boschberg taken possession of by Willem Prinsloo in the time of Governor Van Plettenberg. It had recently been divided into two loan places, which were then occupied by farmers named Triegard and Bester. The leases were cancelled, and Dr. Mackrill—a skilful botanist*—was provided with the necessary labourers and appliances, and was directed to carry out the governor's design. Dr. Mackrill named the place the Somerset farm. The experiment of cultivating tobacco came to nothing; but as a means of furnishing provisions for the troops the establishment was a decided success, especially after it came under the superintendence of Mr. Robert Hart, who succeeded Dr. Mackrill in January 1817. Magazines were then built, in which grain purchased from farmers in the district could be stored with that grown upon the place; and here also cattle were purchased and kept to be sent away as required. The establishment thus became a commissariat dépôt as well as an agricultural farm.

Lord Charles Somerset was as desirous as any one could be for the improvement of the colony and the prosperity of its people, only everything tending to improvement and prosperity must emanate from himself. The experimental farm at Groote Post was still under the management of a board of directors consisting of the leading agriculturists of the colony and several of the principal civil servants. It had been usual to request the governor to fill the position of president, and that office had been little more than honorary. Lord Charles politely thanked the members when they asked him to be their president, but they soon learned that he was disposed to be something beyond a mere patron. He went to Groote Post, and issued instructions how the work was to be carried on. Some of the directors attempted to give expression to their

* It was he who introduced buchu to the notice of medical men in England. The plant, however, long before his time had been in use in South Africa, nearly every housewife keeping a supply of it among the remedies for ailments.

opinions, and declined to attend the meetings when they found the governor resolved to enforce his own views. Hereupon, in March 1815 his Excellency dissolved the board, and assumed direct control himself.

✓ The governor was fond of the raceground, and had the reputation of being an excellent judge of a horse. He liked to see the choicest animals in his stables, and made it his aim that South Africa should produce strong well-formed horses in sufficient numbers for the requirements of the army in India. The public funds were inadequate to procure as many breeding animals of a high class as he desired to introduce, and he imported many at his own expense. Mainly through his efforts the breed of horses was so much improved that a few years later there was a considerable export to Mauritius and India.

In 1815 a mail packet service was established between England and the Cape. Fast-sailing vessels were employed by the imperial government to leave the Thames monthly, and to convey mails, passengers, and light cargo to the Cape Colony, Mauritius, and India. The postage on letters was fixed at three shillings and sixpence for every quarter of an ounce, and on newspapers at three pence an ounce. People were not to be prevented, however, from sending letters through the post-office from England to the Cape by other conveyances, though the charge was only one shilling and two pence, and from the Cape to England only eight pence the quarter ounce. The higher rates by the regular service were to be paid for regularity and speed. The first mail packet that sailed from London was the *Eclipse*, Captain Burford, which dropped down the Thames on the 20th of December, and after touching at Madeira and Rio de Janeiro, arrived in Table Bay on the 13th of April 1816. Her passage of one hundred and fourteen days, was not encouraging to those who looked for rapid communication between England and South Africa.

It is impossible to give an accurate list of all the shipwrecks on the South African coast during the early years of the century, as the records of such occurrences are incomplete.

Occasionally, however, some great disaster took place, of which particulars have been preserved.

This was the case with the *Arniston*, an English transport, commanded by Captain George Simpson, which was on her homeward passage from Ceylon when at noon on the 30th of May 1815 breakers were seen through thick mist to leeward. The wind was blowing towards the land, and a current was setting in the same direction, so that all attempts to get out to sea were fruitless. By four o'clock the position was so perilous that three anchors were dropped; but as two of the cables parted, the captain resolved to run the ship ashore before nightfall, as the only chance of saving the lives of those on board. She struck a long way from the water's edge, about twenty-five miles north-east of Cape Agulhas. There were three hundred and seventy-eight souls on board, including fourteen women and twenty-five children. Among her passengers were Major-General the viscount Molesworth and his lady, and there were a good many invalided soldiers and sailors returning to England. When darkness set in not a single boat was ready. Before midnight the ship went to pieces, and of all on board only a carpenter and five sailors reached the land alive. On the 14th of June a young man named Daniel Swart, happening by chance to ride to the beach from his father's house a few miles distant, came across the survivors, who had been wandering up and down the coast, living on shellfish and food that washed ashore. He took them back with him, and made the disaster known to the government, when a party of labourers was sent to search along the beach. No fewer than three hundred and forty bodies were found and buried; and a considerable quantity of arrack in casks, ship's furniture, and other articles that had drifted to land were secured.

Another, though much less disastrous wreck, was that of the Dutch ship-of-war *Amsterdam*. This vessel was dismasted at sea, but her crew managed to get her into Algoa Bay, which port she reached on the 16th of December 1817 in a sinking condition. She had only one small boat left, and in

that a lady with her two children and the ship's papers of importance were sent on shore under charge of Lieutenant Aspeling. Every moment it was feared that the vessel would go down. There were still two hundred and twenty men, all told, on board, so Captain Hofmeyer, as the only chance of saving their lives, ran the ship ashore as soon as he could. A little before dusk she struck on the beach about halfway between the mouths of the Zwartkops and Koega rivers, and two hundred and seventeen men got safely to land. Three were drowned. In the night between the 19th and 20th of December the wreck broke up, but hardly anything drifted on the beach. The officers and men were left with nothing but the scanty clothing they had on, and were in great distress until the landdrost of Uitenhage and some officers from Fort Frederick arrived and made such arrangements for their accommodation as were possible under the circumstances. The plain adjoining the scene of the wreck has ever since been known as the Amsterdam flats.

In the early years of the nineteenth century there was living in Capetown a lady named Margaretha Anna Heyning, the widow of Hendrik Pieter Moller. To use her own expression in a letter to the governor, she was blessed with worldly goods, and believed it was her duty as a Christian to use those goods for the relief of the poor and afflicted. Among the objects of her benevolence were indigent aged women, for whom she purposed to build an asylum. In September 1799 a plan was submitted to the governor for approval. She proposed to have a suitable building erected, and to assist in raising a sum of money, the interest of which should be applied in perpetuity to the maintenance in whole or in part of such of the inmates as required aid. The governor cordially approved of the plan, and granted for the purpose a plot of ground at the top of Long-street, upon part of which the orphan asylum now stands.

The conditions drawn up by Mrs. Moller provided that whatever sums should be raised were to be invested by a board of directors on sufficient security, and that during the

first five years any interest accruing was to be added to the capital. After that time the interest was to be applied to the subsistence of widows or other women over fifty-five years of age, or such as were sick or infirm under that age if special and urgent circumstances required it, the rule always being observed that the fund was established to aid really helpless and distressed old women, and not to nourish sloth and idleness. Those were to have the preference who were without assistance from parents, children, brothers, or sisters. They were to be of a sober Christian comportment. They were to bind themselves to refund any aid received, in case they should acquire property by donation or inheritance.

As the first board of directors Mrs. Moller named Jan Vlotman, Godlieb Willem Bruckner, Jan Bongard, and Gerhard Ewoud Overbeek. Upon the death or retirement of any of these, the others were to appoint a successor, and so on in perpetuity. An annual meeting was to be held, at which the accounts were to be produced. Any person contributing twenty pounds to the capital fund was to be regarded as a fellow founder with herself, and was to have the right of attending and making suggestions at the yearly meeting. Otherwise the directors were to have entire control of the charity.

The fund was then commenced by Mrs. Moller contributing three hundred and thirty-three pounds towards it. When the five years were expired there was a sum of nearly three thousand five hundred pounds sterling in hand, the greater portion of which was given by Mrs. Moller herself. In the meantime the plan of building an asylum was abandoned, and in its stead was substituted a monthly distribution of money to aged Christian women in want, without distinction of church or colour.*

Not long after this charity was projected Mrs. Moller gave to the reverend Michiel Christiaan Vos, of Tulbagh, a sum of

* In 1890, when I was favoured with an inspection of the records of these charities, about one hundred and twenty old women were in receipt of monthly allowances from this fund.

twelve hundred pounds sterling for the purpose of building a church in some suitable place in the Roggeveld. But before anything was done in this matter tidings were received of the treaty of Amiens, and Mr. Vos, who was an adherent of the Orange party, resolved to leave the colony. He then returned the money to Mrs. Moller, who set it aside to be invested in some way for the service of God.

For several years the exact form that the new charity should assume was not settled, but in 1808 Mrs. Moller resolved to build an orphan asylum, and endow it with that money. Upon part of the plot of ground granted by the government for the projected asylum for old women, three houses had been put up with the accumulated funds, for the purpose of being leased ; the foundation of the building originally planned was standing on another part ; and there was a vacant space, which was sold in later years for the benefit of the old women's fund, and realised six hundred pounds. The earl of Caledon, upon being applied to, raised no objection to the part of the ground upon which the foundation was standing being used for an orphanage, and so far favoured the undertaking that in July 1811 he made it a donation of five thousand rixdollars from his private purse. Lord Charles Somerset also approved of the design, and in July 1814 directed the board that administered the estates of persons dying intestate to advance to the directors of the orphan asylum the sum of eight thousand rixdollars on loan without interest, which was practically equivalent to a grant.

No haste was made in carrying out the design, however, for though the building was completed in October 1814, it was only on the 26th of September 1815 that the South African orphan house—as the institution is termed—was formally opened. The reverend Mr. Serrurier, then bowed down with years, delivered his last public address on this occasion, and a collection of about one hundred and sixty pounds sterling was made on behalf of the endowment fund.

The management of this institution was vested in a board of six directors, three of whom were to be Lutherans and

three members of the Dutch reformed church. Whenever one died or retired the survivors were to appoint a successor. The six named by Mrs. Moller to form the first board of directors were George Willem Hoppe, Simon Stronk, Gabriel Jacobus Vos, Sebastiaan Leibbrandt, Frans de Necker, and Johan Wrensch, with Andries Richert as secretary. After Mrs. Moller's death, however, the two institutions founded by her were united under a board of eight directors, but the funds are still kept separate.

In her will and codicils, the last dated 6th of December 1814, Mrs. Moller bequeathed to the endowment fund of the orphan asylum, in addition to the twelve hundred pounds already mentioned, a teacher's residence and school room in Hout-street, facing Long-street, then leased to the Lutheran congregation, on condition that it should never be used for other than religious purposes, and two slaves, one to be set free after fifteen years' service, the other to be taught a trade and to be emancipated after ten years' service, on payment of four hundred rixdollars. After several bequests to relatives and friends and donations of a hundred rixdollars to each of several charities, the residue of her property was to be divided equally between the orphan house and the South African missionary society.

Altogether Mrs. Moller's contributions to the orphan asylum amounted to about six thousand pounds. The donations of other individuals up to the date of its establishment—exclusive of those already mentioned—were about one thousand pounds in value. In 1845 a gentleman named Henry Murray bequeathed three thousand three hundred pounds to the institution, so that it has been able to maintain comfortably about thirty-three children at a time, though it seldom has the full number. Several of those reared and educated within its walls have attained positions of eminence in the colony.

In May 1812 a number of ladies who met together at stated times for charitable purposes established a fund for the relief of distressed people of both sexes. In June 1820 they transferred the money they had in hand, amounting to two

thousand six hundred and sixty-six rixdollars, to the directors of the orphan house, to be held as a separate trust for the benefit of poor persons. The money was invested, but the calls upon it were so few that by 1884 it amounted to twelve hundred and fifty pounds. It was then transferred to a dorcas almshouse which had just been founded by the Dutch reformed church.

The salaries of the civil servants at this time were very unequally apportioned. The following had theirs fixed in sterling money upon their appointment in England: the governor £10,000 a year, his private secretary £500, the lieutenant-governor £3,000, the colonial secretary £3,500, the deputy colonial secretary £1,500, the auditor-general £1,050, the colonial paymaster £1,000, the collector of customs £1,000, the controller of customs £1,000, the chief searcher of customs £700, the collector of customs at Simonstown £700, the port captain of Table Bay £500, the English clergyman of Capetown £500, and the English clergyman of Simonstown £350. These officers absorbed more than one-third of the whole amount expended in salaries. They were paid according to the rate of exchange, so that the value of the paper rixdollar made no difference to them.

The other civil servants had their salaries fixed in rixdollars, and received the same number of these, no matter whether the exchange was high or low. Thus when the paper rixdollar sank, as in 1815, to be worth no more than 2s. 2½d., these people, who could hardly live comfortably when it was on a par with silver, were in a condition bordering closely on distress. Until 1818 even the chief justice was in receipt of only six thousand rixdollars, and the other judges of only three thousand two hundred and fifty; but in that year Earl Bathurst, then secretary of state for the colonies, directed that the chief justice should be paid £1,000, and the four senior judges each £500 a year. They all held other appointments in the service, however, and some of them drew salaries for three or four different situations.

The cost of the Hottentot regiment was a charge against the

revenue, and its existence was very objectionable to the colonists. Just before Sir John Cradock left South Africa, he raised this corps from five hundred to eight hundred men, his object being to relieve the burghers who were garrisoning the posts on the frontier. Instead of that, however, some European troops were withdrawn, and the burghers were obliged to remain on duty until April 1815, when Lord Charles Somerset, in order to allow them to return to their homes, sent up every soldier that could be spared from guarding Capetown. The governor had no more liking for the Hottentot regiment than the colonists had, and he urged the secretary of state to disband it and substitute a battalion of Europeans.

The imperial authorities consented, but it was not then convenient to send another body of troops to take its place. In 1817, however, the Royal African corps was ordered to the Cape for duty, and a mixed cavalry and infantry corps was raised, consisting of six commissioned officers and two hundred and forty seven picked halfbreeds and Hottentots, enlisted on the same principle as European soldiers. In September of this year the old Hottentot regiment was disbanded.

Accidentally omitted from its proper place.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 14th December 1814.

MY LORD,—I understand that Horse racing prevails to a considerable extent among the Officers at the Cape of Good Hope, and as I apprehend the continuance of this practice may lead to much irregularity by its effect on the younger Officers of both the Military and Civil Establishments among whom it is most likely to encourage a spirit of gambling, I beg particularly to call your Lordship's attention to this Subject in order that you may dis- countenance by every means in your power whatever may have so pernicious a tendency. I have &c.

(Signed) BATHURST.

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 - 38th Regiment: in August 1806 leave for Rio de la Plata
 - 60th Regiment: the fourth battalion in a skeleton state arrives in July 1806, is filled up by Waldeckers who enter the British service, and in March 1808 leaves for Barbadoes
 - 24th Regiment: in June 1810 leaves for India
 - 72nd Regiment: in October 1810 leaves for Mauritius
 - 87th Regiment: in October 1807 arrives; in October 1810 leaves for Mauritius
 - 93rd Regiment: in May 1814 leaves for England
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 - 60th Regiment: the first battalion arrives in September 1811, and is still in South Africa in 1814
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- Harrier*, 18-gun brig : in February 1807 arrives, in March 1809 is lost at sea

- Diadem*, 64-gun ship : in September 1807 arrives, in January 1808 leaves for England
- Raisonable*, 64-gun ship : in September 1807 arrives, in March 1810 leaves for England
- Cormorant*, 18-gun sloop : in October 1807 arrives, in July 1808 leaves for England
- Staunch*, 10-gun brig : in October 1807 arrives, about December 1811 leaves for England*
- Paz*, armed schooner : in October 1807 arrives, in January 1808 leaves for England
- Grampus*, 50-gun ship : in October 1807 arrives, in November 1808 leaves for England
- Laurel*, 22-gun sloop : in December 1807 arrives, on the 12th of September 1808 is captured off Port Louis by *La Cannoniere* of 52 guns, after a close action of an hour and a half
- Otter*, 18-gun sloop : in December 1807 arrives, in October 1810 leaves for England
- Sapphire*, 18-gun sloop : in December 1807 arrives, in January 1810 leaves for England
- Nereide*, 32-gun frigate : in February 1808 arrives, on the 23rd of August 1810, after a heroic resistance, is captured at Mauritius
- Charwell*, 16-gun sloop : in March 1808 arrives, in March 1810 leaves for England
- Leopard*, 50-gun ship : in August 1808 arrives, in July 1810 leaves for England
- Sylvia*, 10-gun cutter : on the 1st of September 1808 arrives, on the 27th of December 1808 leaves for England
- Olympia*, 10-gun cutter : in September 1808 arrives, in October 1811 leaves for England
- Caledon* : was purchased at the Cape in November 1808 and fitted out as a sloop of war of 16 guns for service on the station, in March 1810 leaves for England
- Racehorse*, 18-gun sloop : in February 1809 arrives, in January 1810 leaves for England ; on the 6th of November 1810 arrives at the Cape again ; on the 6th of August 1813 leaves for England
- Iphigenia*, 36-gun frigate : in April 1809 arrives, on the 28th of August 1810 is captured by a French squadron at Mauritius
- Sirius*, 38-gun frigate : in May 1809 arrives, on the 23rd of August 1810 is captured at Mauritius
- Boadicea*, 38-gun frigate : in May 1809 arrives, in March 1811 leaves for England
- Magicienne*, 36-gun frigate : in November 1809 arrives, on the 23rd of August 1810 is captured at Mauritius
- Nisus*, 38-gun frigate : in August 1810 arrives, in September 1813 leaves for England

* The log-book of this vessel is incomplete, and the exact date of departure cannot be ascertained.

- Phœbe*, 36-gun frigate : in September 1810 arrives, in November 1811 leaves for England
- Menelaus*, 38-gun frigate : in October 1810 arrives, in December 1810 leaves for England
- Acteon*, 18-gun sloop : in October 1810 arrives, in December 1810 leaves for England
- Eclipse*, 18-gun sloop : in October 1810 arrives, in June 1812 leaves for England
- Scipion*, 74-gun ship : in December 1810 arrives, in January 1812 leaves for England
- Astrea*, 36-gun frigate : in December 1810 arrives, in May 1813 leaves for England
- President*, 38-gun frigate : in February 1811 arrives, in February 1813 leaves for England
- Galatea*, 36-gun frigate : in February 1811 arrives, date of departure unknown*
- Malacca*, 36-gun frigate : in February 1811 arrives, on the 4th of September 1811 sails from Port Louis to India for service there
- Harpy*, 18-gun sloop : in March 1811 arrives
- Lion*, 64-gun ship : in September 1811 is attached to the Cape squadron at Java ; in February 1814 leaves for England
- Semiramis*, 36-gun frigate : in February 1813 arrives, in May 1814 leaves for England
- Stag*, 36-gun frigate : in September 1813 arrives
- Laurel*, 38-gun frigate : in March 1814 arrives
- Niger*, 36-gun frigate : in March 1814 arrives
- Medway*, 74-gun ship : in April 1814 arrives

Note.—In addition to the ships mentioned in this list, the *Inconstant*, 36-gun frigate, was sent out to join the Cape squadron. She arrived in Simon's Bay on the 13th of March 1810 in so leaky a state as to be almost unserviceable. After being hove down and partly repaired, she left again for England on the 6th of April 1810, without performing any service on the station.

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* The log-book of this vessel is incomplete, and the exact date of departure cannot be ascertained.

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